

# jeevadhara

## LAITY IN THE CHURCH

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Edited by

Kuncheria Pathil

Jeevadhara ; a journal of  
Christian interpretation

26:154

Jul 1996

PROCESSED

FEB 18 1997

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ISSN 0970 - 1125

Vol. XXVI No. 154

# JEEVADHARA

is published every month  
alternately in English and Malayalam

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# *jeevadhara*

*A JOURNAL OF CHRISTIAN INTERPRETATION*

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## **Laity in the Church**

**Edited by**

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## Editorial

The Early Church was a Community of Brothers and Sisters where there were no distinctions of hierarchy, clergy or laity. But as clericalism emerged, lay people in the Church were considered second rate members, and their role was reduced to a merely passive one. Today with the teachings of Vatican II, and the re-discovery of the Church as the People of God, the laity begins to take their rightful place in the Church and in its mission. The New Code of Canons both Latin (1983) and Oriental (1990) tried to spell out the role of the laity in the Church in a more positive way. In spite of these new legislations in the Church, their role in the decision-making bodies of the Church still remains to be a crucial question. This Number of *Jeevadhara* examines this question of the role of the laity in the Church with the hope of shedding more light on the issue.

With the conversion of emperor Constantine to Christianity, the Church became the state religion of the Roman Empire, and it became like any other religion, extolling the role of priests and reducing the laity to mere passivity. The uneducated Germanic tribes were considered as mere masses; the clergy was said to be the soul and the laity the body. The articles in this number highlight the story of the role of the laity in the history of the Church.

Vatican II rediscovered the role of the laity in the Church. The Church is presented by the Council primarily as the "People of God" where all the members of the Church have equal status and dignity. The entire people of God shares in the priestly, prophetic and kingly functions of Jesus Christ. The priestly function of the people of God means the priestly status and role of every Christian who is called to sanctify and consecrate the whole world. The prophetic function of the people of God calls every Christian to witness to the Word of God in the world and to play a decisive role in the decision making bodies of the Church. The kingly or pastoral role of the laity means their commitment that this world is transformed into a more free and just society. Many of the articles in this number elaborate these functions of the laity in the Church.

Special attention is given here to the 1983 Latin Code and the new Eastern Code which elaborate the role of the laity in the triple function of the Church, in teaching, sanctifying and governing. By these new canonical stipulations the Church has recognized that the laity today has come of age and that the mission of the Church cannot be fulfilled without the active participation of the laity. We have also highlighted here the traditions of the ancient Indian Church of St. Thomas which was an ecclesial republic where the laity played a significant and decisive role. The rediscovery of the autonomous status of this Church in India and the ongoing new codification of its particular law are golden opportunities for this Church to reinstate the decisive role of the laity in the Church.

If the Church is to be the Church, the boundary between the clergy and the laity should disappear and the Church must once again become a community of people united in love, faith and hope as the early Church. Will the third millennium witness the emergence of such a people's Church to be a sign and sacrament of the unity of the whole humankind?

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# Theology of the Role of the Laity in Vatican II

II Vatican Council gave momentum to the awakening of the laity in the Church which is a sign of hope for the mission of the Church in the third millennium. The ecclesiology of Vatican II made a radical shift from the medieval pyramidal model to that of the People of God, which includes a fourfold shift: from institution to mystery, from hierarchy to people, from monarchical papacy to episcopal collegiality, and from the universal to the local. The priestly, prophetic, and pastoral roles of the laity in the Church demand their increasing participation in the mission, ministry and magisterium of the Church.

The role of the laity in the Church is a question raised since Vatican II. The laity in the Church has come of age and there seems to be all on a sudden an awakening of the laity which is manifested in the several movements, organizations and publications by them. This phenomenon is a sign of hope for the Church in the third millennium.

II Vatican Council documents, especially the Dogmatic Constitution on the Church, Pastoral Constitution on the Church in the Modern World, the Decree on the Apostolate of the Laity, and the Decree on the Church's Missionary Activity are a landmark in the theology of the laity and their role in the mission of the Church. It was for the first time that an Ecumenical Council of the Catholic Church pointed out and theologically explained that the laity has a specific mission in the Church. Along with Bishops, Priests, and the Religious, the Laity has co-responsibility in the Church and in its mission in the world.

## Ecclesiological Perspective

The question about the role of the laity in the Church has to be situated in the context of the whole ecclesiology which is the articulation of the self-understanding of the Church. But this self-understanding of the Church is historically and culturally conditioned, namely, the mystery of the Church takes concrete shape in

history in the particular socio-cultural, political and religious context. Hence the mystery and reality of the Church should not be identified with the concrete forms and structures of the Church where changes are not only possible but also essentially required. Christianity, as it was born in the family of Judaism, naturally understood itself as an offshoot of Judaism, and appropriated much of the Hebrew cultural and religious traditions. The Church understood itself as the new "People of God" (*Iaos*), new and true Israel, and people of the "New Covenant". Naturally the Jewish Christians emphasized Church's continuity with Israel and followed many of the Jewish prayers, rituals and traditions; they continued to attend the temple and the synagogues and even practised the law of circumcision. But when Christianity crossed the borders of the Hebrew world and met other peoples and cultures, like Greeks, Romans and the Germanic tribes, it began to dissociate itself from Judaism and to understand itself in new ways and categories. Sometimes the new ways in understanding the Church and its practical functioning led to conflicts and tensions and subsequent divisions in the Church.

When the Hellenists and the Gentiles began to accept Jesus and his Gospel and joined the Church, naturally such Christian groups wanted to dissociate themselves from Judaism, and its traditions and practices, and emphasized their discontinuity with Israel. The controversy over circumcision, the Council of Jerusalem, and the persecution of Stephen and other leaders of the Hellenistic Christians could be seen as a result of the tension and confrontation between Jewish Christians and Hellenistic / Gentile Christians. The decision of the Jerusalem Council not to insist on circumcision for Gentile Christians was a historic moment because it allowed a healthy pluralism in the Church, that there could be different types of Churches marked by a rich diversity in life-style, customs, worship, discipline, pattern of ministry, administration and organization, all conditioned by the socio-cultural, political and religious context of the people.<sup>1</sup>

Early Christianity had no central administration common to all the Churches, although they were fully aware of their unity in faith and communion with each other. Each local / regional Church was autonomous and autocephalous within the funda-

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1. *Acts*, Chapter 15.

mental unity of the Christian faith, enshrined in the Apostolic tradition and the common scriptures. Whenever there arose common problems or conflicts among the Churches on matters of faith and morals, the leaders of the various Churches met together in synods and councils and solved the problems and took important common decisions. The One Church was a communion of different Churches.

The early Jewish Churches, naturally, adopted the Jewish socio-cultural and religious patterns of organization and administration in the ministerial patterns of the Church. The system of Sanhedrin or the Council of Elders supervised the life and work of the community. On the other hand, the Hellenistic and Gentile Churches under the leadership of Paul and others followed a charismatic system of administration. Those who manifested charisms were accepted to be the leaders and ministers. *Episcopos* was a Greek officer and the present episcopal system might have emerged from the Greek milieu. With the death of the Apostles and the first generation of leaders, probably, the overall leadership of the community was entrusted to the *Episcopoi* who were gradually recognized as the authoritative successors of the Apostles. But they were not Monarchical Bishops; they administered matters of the community with the consent of the council of elders or presbyters. The Deacons were entrusted with the administration of temporal matters, and gradually they also began to assist at liturgical services. Thus we see that the present system of the threefold ministry of Bishops, Priests and Deacons in the Church is the outcome of a gradual development in the Church due to a fusion between the Jewish and Greek systems. This pattern of threefold ministry was later on accepted by all the Churches and it became normative as the only valid pattern until the Protestant Reformation.

The conversion of the Roman emperor Constantine to Christianity and the subsequent identification between Church and State was perhaps the most influential factor in the development of ecclesiology. Christianity thus became the official religion of the whole empire. Other religious cults were prohibited, and by political force and persuasion the entire people were converted to Christianity. Political power was also used to suppress various heresies and schisms in the Church. Conformity and uniformity

in dogmas, doctrines and teachings were insisted upon by the Ecumenical Councils of the 4th and 5th centuries which were convened by the emperors with the tragic consequence of the excommunication of some Churches. Under the influence of the political and imperial model the Church too gradually developed a monarchical system which was quite contrary to the New Testament vision of the Church and its authority which was meant to serve and not to dominate.

By the 4th and 5th centuries there were the Metropolitan sees of Antioch, Alexandria, Rome, Constantinople and Jerusalem but Rome began to exercise greater authority over larger territories; by the 6th century they were known as the five Patriarchates, considered as the five senses, five heads, or five columns of the Church.<sup>2</sup> This system known as Pentarchy or rule of the five patriarchs played a dominant role in the administration of the universal Church until it was superseded by the universal jurisdiction of the Papacy which fully emerged in the 12th century by the Gregorian Reform. It was this reform by Pope Gregory VII (1073-1085) which theologically elaborated and practically implemented Papal Primacy or the universal jurisdiction of the Popes. Of course, there are indeed Biblical and theological foundations and historical reasons for the emergence of the Papacy and its universal authority which I do not want to elaborate now. In the system of Pentarchy all the five patriarchs had equal authority and status, although the Patriarch of Rome was recognized as the "first among the equals", which was more a primacy of honour than jurisdiction. The assertion of the universal jurisdiction of the Church of Rome practically destroyed the legitimate autonomy and identity of the other Churches, and the concept of the Catholic Church as a Communion of different Individual Churches fell into oblivion.<sup>3</sup>

My intention here is not to deal with the evolution of the structures and shape of the Church as such, but to point out that the mystery of the Church takes concrete shape in history in the particular socio-cultural, political and religious context. The theology of the laity and their role in the Church is naturally

2. Fathers like Maximus the Confessor and Theodore Studite were the great promoters of Pentarchy. See, Emmanuel Lanne, *Irenikon*, 34 (1961), pp. 296-321.

3. See, Kuncheria Pathil, "Catholic Ecclesiology and the Challenges it faces today", *Jeevadhara*, July, 1989, pp. 282-306.

conditioned by the vagaries of the historical development of the Church. With this general ecclesiological perspective, I shall now speak about the role of the laity in the two contrasting ecclesiologies, Pre-Vatican and Post-Vatican II ecclesiologies. The assumption is that there is a radical shift in the ecclesiology of Vatican II. Our division of ecclesiology into Pre-Vatican and Post-Vatican is indeed very broad. In the life and thinking of the Church no watertight compartmentalization or strict division is possible. Pre-Vatican trends in ecclesiology do still dominate in various quarters, and Post-Vatican thinking could be traced in the earlier periods.

### Role of the Laity in the Pyramidal Ecclesiology

The Pre-Vatican II ecclesiology is typically the Medieval Ecclesiology which is often called the "Pyramidal Ecclesiology". Here the Church is envisaged and structured like a pyramid at the apex of which remains the Pope with the entire authority concentrated exclusively in him. His authority is full and absolute, and he delegates part of his authority to those who are at the lower rungs of the pyramid, namely to the Bishops. And the Bishops delegate part of their authority to those who are below them, namely, to the priests. The Deacons are still at the lower rungs with lesser authority. At the bottom of the ecclesial pyramid are the laity, who have no authority or any positive role in the Church. They just passively receive everything from above and they have no active role or involvement in the mission of the Church.

This pyramidal ecclesiology can be further highlighted by explaining its historical, socio-cultural, political, philosophical and theological background. The centralization of the Church and formation of its pyramidal structures were the result of a gradual development which began in the 4th century and completed in the 12th and 13th centuries. The identification of the Church and State, the imperial model of political administration, the felt need of eradicating numerous heresies and schisms by an all powerful and central authority, the task of the common mission of the Church in the new continents, all these factors led to a gradual centralization of the Church. As already mentioned above, it was the Gregorian Reform of the 11th century which asserted the power of the Papacy and implemented the universal jurisdiction of the Popes. The first codification of the canon law by Gratian in the

12th century legally legitimized and consolidated the universal jurisdiction of the Popes. The political and socio-cultural background for this ecclesial development was the Roman imperial rule and the feudalistic social patterns. The whole authority in the society was vested in the emperor, and under him were kings, princes, and vassals to whom some power and authority was delegated by the emperor. At the bottom of the social pyramid were the ordinary people who by the sweat of their brow maintained the whole society and supported its hierarchical structure by perfect obedience. The Church was recognized as the model of a "perfect society".

The philosophical background of the pyramidal ecclesiology was the prevalent philosophical systems of the time, namely, the Platonic and Neo-Platonic thinking. In these systems the Absolute which is the pure Act has no immediate contact with the created world. Creation is through intermediary sub-gods by way of emanations which means the existence of a hierarchy of beings. As creation is through intermediaries, so is salvation through mediation of the higher beings. Therefore, it is quite natural that in the ecclesial pyramid there be a hierarchy of higher and lower authorities. The salvation of the laity is through the priests whose authority is from the Bishops and they in turn depend on the Pope for their own authority.

The Scholastic theologies of the 12th and 13th centuries were built on these philosophical foundations. Albert the Great, Bonaventure and Thomas Aquinas were the theoreticians of Papal Primacy and of the pyramidal ecclesiology. According to them Christ gave authority to one man in the Church, to Peter, and through Peter the other Apostles received authority. Pope is the successor of Peter in the Church. Therefore, he has supreme, full, absolute authority in an exclusive way. It is through the Pope that the Bishops get authority in the Church, and the authority of the Bishops is only partial and delegated. The Pope is the Vicar of Christ, the visible Christ in the world, and he has authority also over the secular powers. The Scholastics quoted several scriptural texts for the absolute authority of the Popes and that of the Church.<sup>4</sup>

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4. For example: Mt. 16: 18; Lk. 10: 16; I Cor. 6: 3; 2: 15; I Pt. 2: 9, etc. See, Y. Congar, *Power and Poverty in the Church*, London: Geoffrey Chapman, 1964, pp. 61ff.

In this pyramidal ecclesiology originated in the medieval imperial and feudalistic society, there were two separate classes of people in the Church, the clergy and the laity, the rulers and the ruled, those who wielded authority and those who were subjected to authority. Thus the laity who were the 99% of the members of the Church were reduced to mere spectators in the Church without having any positive role or involvement in the mission of the Church. Their role in the Church was simply to obey, pray and make financial contribution. They were excluded from all the decision-making bodies of the Church. The Church and its mission exclusively belonged to the hierarchy and the clergy. It was the Second Vatican Council which ultimately put an end to this clericalism in the Church.

#### "People of God" Model Ecclesiology of Vatican II

Vatican II rediscovered the Church as the "People of God" which belonged to the original vision enshrined in the New Testament. The Church at its origin was a People's Movement, a People's Church. It was the community of Jesus' disciples, a community of brothers and sisters, a community of the 'little ones' where all the members enjoyed perfect equality, fraternity and equal dignity and status. There were no rulers and the ruled, no superiors and inferiors. Although the different members had different charisms and corresponding functions in the community, that did not mean any superiority or inferiority in the Church. Although some people were called to exercise an overall leadership in the community, it only meant a call "to serve" the community. The final authority in the Church was entrusted to the whole community as clearly attested in the Gospel of Matthew.<sup>5</sup> The Church in the New Testament was thus the *ecclesia*, "the people who were called together", "the assembly or gathering of the people". They were called together "to be sent" to proclaim the "Good News" of the arrival of "the Kingdom of God". The Church was a community held together not by structures and institutions, but by the bond of faith and love, by "the teaching of

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5. Mt. 18: 1–20: This passage is known as the Discourse on the Church or the Community Rule, and here we find the earliest ecclesiology of the New Testament. See, Rudolf Schnackenburg, *The Church in the New Testament*, London: Burns and Oates, 1974, pp. 69–76, 149–157.

the Apostles, fellowship, the breaking of the bread and prayer''.<sup>6</sup> Ministers of the early Christian communities, such as presbyters and bishops, were called to serve the community and build it up, and not to rule or dominate. Jesus repeatedly warned his disciples: "You know that those who are supposed to rule over the Gentiles lord it over them, and their great men exercise their authority over them. But it shall not be so among you. But whoever would be great among you must be your servant, whoever would be first among you must be slave of all. For the Son of Man also came not to be served, but to serve and give his life a ransom for many".<sup>7</sup>

This New Testament model of the Church, as the People of God, Fellowship or Community of People, or Communion model is rediscovered by the Vatican II in the new context of our society. It is long time since the imperial, feudal, colonial and dictatorial socio-political systems have become obsolete and in their place democratic, egalitarian and free societies have emerged. It means that the Church too has to replace its outdated structures, patterns of administration and leadership with more relevant ones in tune with today's culture and ethos. Besides, the emergence of the newly independent nations in the 20th century and the new consciousness of their cultural and political identity demanded the legitimate autonomy of the different local and national Churches and called for more inculturation of the Churches. In addition to this, the emergence of the new pluralism, cultural, social, religious, ecclesial and theological, offered a new concept of "unity in plurality", and invited the nations, religions and Churches to enter into a new fellowship and be committed to the Kingdom of God, rather than extending one's own territories.

The Ecclesiology of Vatican II made a radical shift from the medieval, pyramidal ecclesiology. I would like just to mention four specific aspects of this shift:

### *1) A Shift from Institution to Mystery*

The Church is primarily a mystery, a spiritual reality, a sacramental event which assumes particular forms in history. It is basically the mystery of God's plan of salvation manifested in

6. Acts 2: 42-47; 4: 32-35; 5: 2-15.

7. It is striking that this instruction of Jesus to his disciples for service is found six times in the four Gospels: Mt. 20: 25-28; Mk. 10: 45; Lk. 22: 27; Jn. 13: 12-15 etc.

time, in history, in the particular ecclesial communities, institutions and structures. Hence the Church cannot be strictly defined, but only described by various imageries and concepts as done by the New Testament. But in the medieval ecclesiology the Church was reduced to a perfect society and visible institution with clear-cut definitions, rules, structures and boundaries that the mystery aspect of the Church was lost to a great extent. The Council rectified this institutional overemphasis and highlighted the mystery dimension of the Church. The Church can never be reduced to its visible institutions, structures, rituals and dogmas. The mystery of the Church transcends all these external manifestations and expressions to such an extent that it can exist even outside the visible boundaries of the Catholic Church. This new vision has prompted the Council to accept the ecclesial reality of the other Churches. Moreover, the mystery of the Church and the mystery of the Kingdom of God are intimately related. But the Church and the Kingdom are not totally identified. The Church is a humble servant, herald and sacrament of the Kingdom. Thus the shift from institution to mystery is also a call for a Kingdom-oriented ecclesiology which is more open and less triumphalistic.

## 2) *A Shift from Hierarchy to People*

In the approved scheme of *Lumen Gentium* the chapter on the People of God came after the chapter on the Hierarchy. But during the discussions in the Council a strong suggestion was made to reverse this order and place the chapter on the People of God before the chapter on the Hierarchy. The fact that this suggestion was accepted by the council is a clear indication of a shift from hierarchy to people. The Church is primarily the People of God, and the functions of the hierarchy have to be situated within the whole People of God. The members of the Hierarchy are first and foremost members of the People of God, and as members of the People of God the Hierarchy and laity have equal status and dignity. No charism or function shall extol anybody.

This rediscovery of the Church as the People of God has tremendous consequence for transforming the whole Church and its mission. The laity began to take their rightful place in the Church. They began to realize that theirs is the Church, or rather they are the Church. With the inspiration of the Council,

People's Churches and Basic Christian Communities began to emerge as new models of being the Church.

### *3) A Shift from Monarchical Papacy to Collegiality of Bishops*

Another aspect of this radical change is the rediscovery of the synodal and conciliar structures and systems of the early Churches and a shift from the papal monarchical system. The earliest major controversy in the Church on the admission of the Gentiles and the question whether they be circumcised like the Jewish Christians was solved not from above by a decree or decision of Peter, but by common discussion and deliberation in a Council where all the Apostles and Elders of the different Churches took part. The meeting of Provincial synods and councils of the neighbouring Churches, whenever they face common problems and issues, was a custom during the second and third centuries. The fourth and fifth centuries witnessed the great events of the Ecumenical Councils which met to deliberate on the Trinitarian and Christological controversies of the period. The Ecumenical Council of Nicaea (325 AD) stipulated that Provincial synods should be held twice a year, and thus in the East the synodal system became a constitutive part of the functioning of the Church.<sup>8</sup> As already mentioned above, it was the development of the centralization of the Church and the emergence of a monarchical Papacy which eliminated the synodal and conciliar structures of the early Churches.

In *Lumen Gentium*, chapter 3, the Council teaches that the College of Bishops has supreme, universal and immediate authority in the Church in teaching matters of faith and morals. But this authority of the College of Bishops does not contradict the authority of the Pope, as the Pope is within the College, and in fact, he is the head of the College. It means that the Pope and the bishops should function in the Church in close collaboration and communion as members of one body.

### *4) A Shift from the Universal to the Local*

In the pre-Vatican II period the emphasis was on the Universal Church and its unity and uniformity under the Papacy at the expense of the diversity of the Churches and their legitimate

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8. J. Hajjar, "Synod in the Eastern Church", *Concilium*, 1 (1965), No. 8, pp. 30-34.

autonomy. Vatican II made a shift of emphasis to the local Churches, their rich diversity and legitimate autonomy. As successors of the Apostles the Bishops are not only co-responsible for all the Churches, but as heads of the local Churches they have their own authority in the local Churches. The authority of the Bishops is derived not from the Pope but from the Apostles by the act of episcopal consecration by which they become successors of the Apostles. They are the principle of the unity of the local Church, and no local Church can be *under any other local Church*. Every local Church is the concrete manifestation and embodiment of the Universal Church, and it is not merely a fraction or administrative unit of the universal Church. The Universal Church, in fact, exists in the local Churches; the local Church is the real Church in its original. The different local / individual Churches have their legitimate autonomy enjoying their own traditions, liturgies, disciplines, and their own theological and spiritual heritage. The unity among these local / individual Churches is their communion in the same faith and sacraments. Their unity is expressed in the communion of Churches and their Bishops, who are members of one College along with its head who is the Roman Pontiff. The Church becomes "Catholic" by this communion among the many Churches; separated from this communion no Church can claim to be Catholic. The different Churches have equal dignity and equal responsibility for the whole Church. The One Church of Christ exists in the many Churches, and the emphasis today is on the many and "unity in diversity".

### Theology of the Role of the Laity in Vatican II

After having highlighted the shift in the ecclesiology of Vatican II, let me briefly deal with the role of the laity in it. The main documents dealing with this subject are the Dogmatic Constitution on the Church, Decree on the Apostolate of the Laity, Pastoral Constitution on the Church in the Modern World, and the Decree on the Church's Missionary Activity.

#### 1) Members of One Community with Equal Status

According to Vatican II there are no two separate classes or groups of people in the Church such as Clergy and Laity, but the Church is one community where all have perfect equality as brothers and sisters, and the same dignity as the members of the People of God. Different gifts or charisms or functions do not

make members superior or inferior. All gifts are for the building up of the community. Hence any exercise of authority by the leadership over against the community's mind and will is against the whole spirit of the Church. The authority in the Church must be exercised in a harmonious relationship with the whole community. Exercise of authority in the Church shall be by *consensus*.

The Holy Spirit who resides in the whole community is the theological basis for the authority in the Church. According to the New Testament the last word of authority is entrusted to the whole community.<sup>9</sup> It is not a denial of the special role of the Apostles and their successors in the Church. They are first and foremost the spokespersons of the community, who speak authoritatively for the community and in the name of the community. Of course, they have the special charism of the Spirit for discernment and leadership. This basic understanding of the community nature of the Church and its functioning must be the background for understanding the role of the laity in the Church. Clergy, religious and laity have to function in the Church as members of one and the same community. This is the main thrust of the whole chapter two of *Lumen Gentium* where the Church is presented as the People of God.

## 2) *A Priestly People*

According to Vatican II the entire People of God is a priestly people (*LG*, nos. 10-11). The early Christian communities of the New Testament times did not have "priests" as such, but other functionaries such as, *episcopoi*, *presbuteroi*, and *diakonoi* (Bishops, Priests and Deacons). In the Christian community every member was a priest; they were a priestly people, in the sense that every member of the community was able to stand before God and address Him as "Abba", Father, without any mediator. Everybody was entitled to worship God directly (without "priests" or mediators), and actively participate in the celebration of the Word and the Sacraments, although some are specially called and ordained to lead the worship and the administration of the sacraments. This common priesthood of the whole People of God gives equal dignity to all the members of the Church. It was due to the gradual development of sacerdotalism, clericalism, and political and secular fashion of exercising authority in the Church that the community

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<sup>9</sup> Mt. 18: 15-20

nature and functioning of the Church suffered a set back and the Church became divided into two separate groups of clergy and laity, those who rule and those who are ruled.

### 3) Prophetic Ministry of all Christians

According to Vatican II, the entire people of God is called to exercise a prophetic ministry.<sup>10</sup> The basis of this prophetic ministry is the gift of the Spirit to every Christian and to the Christian community where the Spirit resides in a very special way. The Council underlines the supernatural sense of faith (*sensus fidei* or *sensus fidelium*) of the whole Christian community which is the ultimate basis for the infallible nature of the Church in matters of faith: "The body of the faithful as a whole, anointed as they are by the Holy One cannot err in matters of belief. Thanks to a supernatural sense of the faith, which characterizes the people as a whole, it manifests this unerring quality when 'from bishops down to the last member of the laity' (St. Augustine), it shows universal agreement in matters of faith and morals".<sup>11</sup>

*Sensus Fidelium* is the collective faith-consciousness of the believing community. It means that the believing community has a special kind of knowledge, springing from faith and embracing its fundamental features.<sup>12</sup> It is the community's feeling or common sense or innate sense for the fundamentals of Christian faith and its authentic understanding. *Sensus Fidei* is the faith intuition or the faith feeling of the Christian community by which it "sees" the correspondence or non-correspondence between Christian faith and its formulation or expression in a particular context. It also "sees" whether an element of faith corresponds to the genius or uniqueness of the totality of Christian faith or Christian world vision.<sup>13</sup> Naturally, its basis is the individual consciousness illumined by faith. But the individual faith-consciousness and the collective faith-consciousness are qualitatively different. The former may easily fall into error, whereas the latter is the criterion for the former. *Sensus Fidei* is the basis for the *Consensus*

10 *Lumen Gentium*, no. 12.

11. *Ibid*

12. Herbert Vorgrimler, "From *Sensus Fidei* to *Consensus Fidelium*", *Concilium*, No. 180 (4/1985), p. 3.

13. Zoltan Alszeghy, "The *Sensus Fidei* and the Development of Dogma" in *Vatican II: Assessment and Perspectives Twentyfive Years After*, Vol. I, edited by René Latourelle, N. Y.: Paulist Press, 1988, pp. 148-152.

*Fidelium* which may be said to be the general agreement among the faithful on matters of faith and its formulations.<sup>14</sup>

As already mentioned above, this consensus of the believing Christian community based on the *sensus fidei*, inspired and guided continuously by the Spirit, is the basis for the infallible teaching authority of the Church. The Infallibility of the Pope and that of the College of the Bishops or of the Ecumenical Councils shall not be separated from this *sensus fidei* of the community. The authority of the Pope or of the College of Bishops shall not be seen as exclusive channels of the working of the Spirit. Rather the teachings of the Magisterium is based on the *sensus fidei* of the entire Christian community. Hence the important question of the participation of the laity in the exercise of the magisterium and in the decision-making bodies of the Church to which we shall come later.

#### 4) Secular Quality of Laity's Mission

Second Vatican Council speaks about the mission of the laity in the world rather than in the Church. It emphasizes the "secular quality" of the Mission of the laity.<sup>15</sup> Mission of the laity is to transform the society and the world in accordance with the spirit of Jesus Christ and that of the Gospel. The laity have to work in the manner of leaven from within the world where they live and work. Their *priestly mission* consists in offering themselves, their own life and work, as a spiritual sacrifice and thus consecrating and sanctifying the world. The *prophetic mission* of the laity is to witness to Christ and His Gospel in the day-to-day socio-cultural life and family life by their living witness as well as by the spoken word. The *pastoral mission* of the laity means their involvement in the created world, as partners of God, in transforming this world into a better place where all people could live with justice, freedom and equality and thus in preparing the world to receive the seed of the Word of God. Thus by lay-apostolate the Council understands the laity's mission and ministry in the world and not their ministry or role within the Christian community and its structures. The Decree on the Apostolate of

14 See, Kuncheria Pathil, "Magisterium and Sensus Fidelium in the interpretation of Revelation", in *Emerging India and the Word of God*, edited by Paul Puthanangady, Bangalore: NBCLC, 1991, pp. 75-89.

15 *Lumen Gentium*, ch. 4; Decree on the Apostolate of the Laity; *Gaudium et Spes*. nos. 43-44.

the Laity, in chapter three, speaks about the various fields of the apostolate of the laity, their work in families, among the youth, in the social fields, in national and international affairs etc.

### 5) Mutual Support of Laity and Clergy

While explaining the role of the laity, the Council speaks about the relationship between the clergy and the laity. It is one of mutual support and mutual dependence, and it calls for dialogue between the clergy and the laity. In the areas wherever the laity is competent, they should express their opinion freely and boldly, and the clergy should learn from the experience and expertise of the laity.

The Council underlines the presence of the different charisms in all the members of the Church, and states that they are all meant for the building up of the Church, and it gives a warning both to the hierarchy and the laity. The hierarchy has indeed the competence to discern the genuineness of the charisms of the various members of the Church. But they shall not in any way extinguish these charisms present in the members of the Church, rather hold fast to everything good in them. The members of the Church, on the other hand, should have the docility and openness to be subjected to the authority of discernment on the part of the hierarchy.<sup>16</sup>

### Questions and Challenges

We have discussed very briefly the theology of the role of the laity in the Church and in its mission according to the teachings of the Second Vatican Council. Let me conclude this short presentation with two questions or challenges.

#### 1) Laity's Role in the Magisterium of the Church

If the whole community is the deposit of faith and the abode of the Spirit, and has the gift of a supernatural sense of faith, what is its role, especially the role of the laity in the decision-making bodies of the Church even when dealing with matters of faith and morals? In the early Churches decisions on matters of faith and morals were taken by the synods and councils at the regional, provincial and national levels. These synods and councils were participated by the local bishops, but not excluding members of lower clergy, religious and laity. Some of the earliest Ecumenical

Councils were convened by the Roman Emperors, and in those councils some princes, abbots, monks and members of the laity played significant roles. Such regional and provincial synods were gradually suppressed due to the centralization of the Church and the presence of the lower clergy and of the laity was eliminated on account of the development of clericalism.

In the tradition of the St. Thomas Christians of India the role of the laity was very decisive in the local Church assemblies (Palliyogam) and in the national Church assembly (Malankarayogam). Local Church assembly or Palliyogam consisted of all the heads of the families and all the priests and deacons of that community. The eldest priest of the local community presided over this assembly, and all decisions pertaining to the community were taken by the whole assembly. The national Church assembly or the Malankarayogam was composed of the representatives of all the local Churches including both priests and laity. But laity had the majority in the assembly. The Malankara Metropolitan presided over the assembly and the Archdeacon of the Church had a decisive role to play. But this General Assembly had the highest authority in the Church. The Metropolitan and the Archdeacon were directly responsible to the assembly. This ancient administrative system of the St. Thomas Christians was suppressed during the Padroado and Propaganda rule, and today as the Syro-Malabar Church is restored to the Archiepiscopal status and its particular laws are being codified, the Church assemblies will be restored with timely adaptations. Indeed, the Jacobite, the Orthodox and the Mar Thoma Churches of Kerala still continue this system of Church assemblies with minor changes.

The Anglican Church of England has a Church Parliament consisting of three separate Houses, House of Bishops, House of Clergy and House of the Laity. All major decisions concerning the Church have to be passed by all the three Houses separately. The United Churches in India, such as the Church of South India and the Church of North India, too have a Synodal structure. The highest authority of the Church is the Synod which consists of all the Bishops and representatives of the clergy and the laity. But the laity form the majority of the Synod members.

In the light of the People of God ecclesiology and the practice of the early Churches and that of the other Churches, a

serious re-thinking is needed on the exercise of the role of the laity in the decision-making bodies of the Church, at the local, regional, national and universal levels. The provisions given in the Latin and Oriental Codes have to be critically studied. New legislation may be needed to give adequate representation to the laity in the decision-making bodies of the Church, including Ecumenical Councils, Roman Synod and other synods of the Churches.

*2) Laity's Role in the Administration of the Temporalities of the Church*

In the New Testament we read that the Apostles entrusted the administration of the temporalities of the Church to the Deacons and spared themselves entirely for the preaching of the Word of God. As clericalism emerged in the Church, the higher clergy began to dominate and control everything in the Church including the administration of the temporalities of the Church. Today time has come that the clergy and better leave the administration of the temporalities of the Church in the hands of the laity and spare themselves entirely for their priestly and prophetic ministry. In fact, the laity are more competent for the administration of the temporalities. What are the existing laws both in the Latin and Oriental Codes on this issue? Do we need new legislation on this matter?

Let the laity take their rightful place in the Church as full and involved members of the Church. Only then the Church will become the *ecclesia*, the Assembly of the People.

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# **Role of the Laity as in the Codification of the Particular Law of the Syro- Malabar Major Archiepiscopal Church**

## **A Critical Appraisal**

The author, having shown the need and relevance of the Particular Law over and above the Common Law for Eastern Churches (CCEO), pertinently observes that the codification of the former has not received the care and attention it deserves, the main reason being the impasse created by conflicts regarding the Liturgy. A critical appraisal of the Draft of Particular Law, especially on Palliyogam and Archi-episcopal Assembly is made: as it is vitiated by legalism and clericalism, demoting both the yogam and the assembly to mere consultative bodies, thus ignoring the immemorial tradition of the Church of St. Thomas.

### **I. Why Particular Laws?**

Just as CIC is the Common Law for the Latin Church, the CCEO is the Common Law for the Eastern Churches. But there is a big difference between these two. Whereas CIC applies to one individual church only, CCEO is the common code for all the Eastern Churches which are twenty one in number. They are not one church but a communion of several churches. Each one has an identity of its own based on its unique history, liturgy, theology, discipline, spirituality, administrative system etc. At the same time the Eastern Churches have several commonifeatures some of which are highlighted and praised at the outset of the "Decree on Eastern Churches". The Common Law is "for the harmonious co-ordination of the various particular laws of the different *sui juris* churches — harmonizing the rich diversity of the Eastern Churches and contributing to the co-ordination of all the Churches in Catholic Communion".<sup>1</sup>

According to CCEO 1493-2 particular laws are the laws, legitimate customs, statutes and other norms of law which are not

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1. Koodapuzha Xavier, article in *Christian Orient*, March, 1992, pp. 6-7.

common to the universal church nor to all the Eastern Churches. "The purpose of the particular laws is to preserve and foster the rich heritage and unique identity of each church."<sup>2</sup> It is through the particular laws that each individual church has to support and sustain its specific individuality.

The Decree on Eastern Churches lays down only the general principles to revitalize the Eastern Churches. The details are to be worked out by the episcopal synods of these churches and the Apostolic See (O. E. I.). The particular laws are thus a necessary follow up on the conciliar teaching on the Eastern Churches<sup>3</sup>. They are absolutely necessary for the restoration and the full flowering of the eastern churches. Before Vatican II these churches were not treated on a par with the Latin Church. They were merely 'rites' and at times looked down with 'suspicion'.

## II. The Syro-Malabar Church vindicates the need for particular laws

Of the twenty one churches in the family of Eastern Catholic Churches the Syro-Malabar is perhaps the most dynamic "with a superabundance of priestly and religious vocations".<sup>4</sup> And in numerical strength it is second only to Ukrainian Church. But this church which is supplying more than seventy percent of the missionary personnel all over India could become a *sui juris*, self governing church, only in 1993. Even today a good many of its missionary personnel have to shed their Syro-Malabar identity if they want to work outside Kerala. For the last four centuries it has been a "church in fetters". Still it has been a dynamic and vigorous church, thanks to its centuries old tradition of liturgy, theology, church administration and ecclesiology—as handed down from generation to generation as a life-giving heritage of this church. It is this heritage popularly known as the *Law of St. Thomas* which constitutes the identity and specificity of this church. The Law of St. Thomas, in fact, is the hall mark of the Syro-Malabar Church.

In the course of the last four centuries i.e., eversince the advent of Portuguese missionaries there has been a systematic

2. *Ibid.*, p. 6

3. O. E. n. 1, also see foot note 4 in the Walter Abbot Edition.

4. Pospisil Victor, *Eastern Catholic Church Law Commentary*, p. 23.

attempt to efface the identity of this church. The Latin hierarchs and the missionaries showed scant respect to our liturgy, theology, church administration and spirituality. When they tried to Latinize all these areas of church life they were in fact — knowingly or unknowingly — erasing the Law of St. Thomas. For the Syro-Malabarians, or the Syrian Catholics of Kerala, the 'Law of St. Thomas' is not a code of laws. In fact we don't have such a code of laws. The Law of St. Thomas is in fact a socio-cultural heritage of this church — a life style according to the life and teachings of Apostle Thomas who or whose disciples initiated it on the Kerala soil. The Syro-Malabarians are proud of it because it is as old as the early church and genuinely apostolic in spirit. Since this church was outside the Roman Empire it was free from the influences of the powers that be. Perhaps no other individual church has such an undiluted and uninterrupted ecclesial tradition. But after the 16th century the situation changed, and the church changed its complexion. Its centuries old heritage was either ignored or compromised by the new powerful western power structure. During the last several decades there has been a concerted effort to restore to this church its genuine traditions and true identity. As we have already noted, it is through the particular laws that the Syro-Malabar Church has to preserve and foster her rich heritage and unique identity.

#### The Liturgy hurdle and the impasse it has created

Ever since Vatican II which restored to the Eastern Churches their freedom and dignity and their right "to preach the gospel to the whole world" (O. E. 3) this church has been experiencing the joy as well as the birth pangs of its new identity. It is one of the great ironies in the history of this church that the very identity and freedom for which her forefathers have been fighting have become the cause of disunity, bordering on division within this church. It has been all about liturgy, the most important constituent of the identity of the individual church. The liturgical controversy was started even before Vatican II. Very briefly, the controversy is on what is the more important principle in our liturgy: restoration or renewal (relevance)? But recently the differences have sharpened. Even though three years have elapsed since the Syro-Malabar Church became a *sui juris* church the

differences continue unabated. The whole church is committed to the teachings of Vatican II, especially the Decree on Eastern Churches, but on the question of liturgy there is a basic difference among the bishops. The minority group in the synod of bishops is committed to O. E. which says that 'all eastern rite members should know and be convinced that they can and should always preserve their lawful liturgical rites ... should not be altered except by way of an appropriate and organic development'. The majority group, though paying allegiance to O. E. and the principle of restoration, is more interested in liturgical renewal and adaptations. These bishops are guided more by the spirit of liturgical renewal emphasized in the Constitution on the Sacred Liturgy (S. C.) than by the teaching on the preservation and restoration of liturgy highlighted in O. E.

Since there is a great deal of validity in both the approaches a settlement of the controversy is possible. But inspite of consultations and meetings at different levels, the settlement has not come.

We are still waiting for the day when our bishops will take a united stand on this very important issue. Here again there is an ironic situation. When this church was the 'people's church' all important matters affecting the whole church were discussed and decided upon at a plenary assembly of the church (Malankara Sabhayogam). It was an assembly of bishops and representatives of priests and people of the whole church. Even the Portuguese missionaries could see and appreciate the value of such a representative gathering. In the letter convoking the Synod of Diamper, Archbishop Menezes refers to this "ancient custom to give an account to the people of whatsoever has been ordained in the church, in order to its being the better observed by it".<sup>5</sup>

The non-Catholic sections of the Thomas Christians such as the Jacobites, the Syrian Orthodox and the Marthoma Syrian Church still have their Sabhayogam made up of Bishops and representatives of priests and people. But we abandoned this practice very conveniently when we had our own bishops. Nobody thought of restoring this noble tradition even after we had our own hierarchy.

Now that we have become a *sui juris* church top priority should have been given to the restoration of our ancient system of

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5. Vanchipurackal Kurien, 'Laity in the Syro-Malabar Church', *Christian Orient*, March-June, 1984, p. 35.

church government.. As has been pertinently pointed out by Fr. Xavier Koodapuzha, "the restoration of oriental patrimony should not and cannot be narrowed down to liturgy alone! If the other important areas like discipline, spirituality, theology, administrative system etc. are left out it would certainly be an unwelcome development. We strongly disagree with any kind of partial, one-sided and defective view of restoration which goes counter to the Catholicity of the Church".<sup>6</sup>

The church established by St. Thomas in Kerala was a people's church. It was a 'church communion', not a hierarchical/monarchical structure of domination over the people. All important decisions were taken at the different levels of church assembly — local, regional and national. The priests and people were co-responsible in the administration of the church. Bishops were highly respected spiritual heads. The foreign missionaries would call our christian communities 'Christian Republics'.

Though very much hierarchically dominated the Major Archiepiscopal Assembly (in the CCEO the Patriarchal Assembly; Canons 140-45) is the nearest approximation to the Malankara Sabhayogam or General Assembly of the church, provided by the CCEO. According to the centuries old convention in this church the liturgy issue which has been dragging for many long years should have been placed before the Major Archiepiscopal Assembly for final settlement. The liturgy controversy is so serious that it calls for a special convocation of this Assembly. As required by C. C. E. O. 145 the Synod has already drawn up the statutes of this assembly and it has already been published (see *Synodal News* No. 4). But of course it is a very weakened and highly juridical version of the Church Assembly of the former days.

It is a pity that the common law (CCEO) does not reflect the spirit of Palliyogam and the principle of lay participation in the Syro-Malabar Church. It is obvious that those who drafted the C. C. E. O. were not familiar with the centuries-old tradition of church administration of the St. Thomas Christians. It is a pity and a shame that the Patriarchal Assembly i.e., the plenary assembly of the church (for us the Archiepiscopal Assembly; CCEO 140-45) is referred to by Dr. Victor J. Pospishil, author of *Eastern Catholic*

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6. Koodapuzha, *Ibid*, Editorial.

*Law Commentary* as a 'novelty' in the life of the 'Eastern Catholic Churches'.<sup>7</sup> According to him the Patriarchal Convocation (the Archiepiscopal Assembly) more closely follows ideas voiced at Vatican II".<sup>8</sup> He also points out that such an assembly of Bishops, Theologians, Laity etc. is the need of the hour.<sup>9</sup> This only shows how disinterested our church leaders (Bishops and Canon law experts) had been in highlighting our ancient tradition. If only they had taken at least one hundredth of the interest of our fore-fathers in keeping the values of this church they could have made a definite contribution in developing a relevant and updated ecclesiology for the whole church in modern times.

### Particular Laws — a low priority

In spite of the importance and relevance of the Particular Laws for this Church, the codification of these laws did not get from the synod of bishops the attention and the priority it deserved. This is because of the impasse created by the liturgical crisis. The bishops were too absorbed in the controversy to attend to any other work. The story of neglect and indifference of the church leadership in this regard is the central theme of the March 92 issue of *Christian Orient*.

The Particular Laws which have come under the consideration of the Syro-Malabar Synod are: the synodal statutes of the Major Archiepiscopal Assembly, Palliyogam, Clerics, Marriage, Apostolic Life, Acquisition and administration of Temporal goods. The drafts of most of these particular laws have been published in the various issues of the *Synodal News*.

A critical appraisal of all the particular laws is not intended here. Even a quick reading of the draft laws of the *Palliyogam* and the statutes of the *Archiepiscopal Assembly* will show that the codification of these was not done after a careful study of the centuries old system of self government in this church. It is obvious that these laws do not express the spirit of the *Palliyogam* of olden times. No wonder that the draft of *Palliyogam* (published in the *Synodal News* no. 4) has attracted a great deal of criticism. A critique of this draft attempted by this author<sup>10</sup> will show the general weakness of all the particular laws.

7. Pospishil, *Ibid*, p. 138.

8. *Ibid*.

10 K. T. Sebastian, "A Critique on *Palliyogam*", *Assisi Magazine*, Aug. 1995.

9. *Ibid*, p. 140.

### The role of the Laity in the Codification

Numerically the laity has a good representation in the Commission for Particular Laws (names published in the *Synodal News* no. 2, Feb, 94) and in the sub-committee for drafting the Particular Law on Palliyogam (names published in the *Synodal News*, no. 4, May, 1994).

The composition of the commission for Particular Law is interesting and revealing. Only the bishops (3) are members. The priests (48), lay men (21) and one religious sister (total 70) are consultants. There is no lay-woman among the consultants. Of the 21 laymen 18 are advocates. The sub-committee for Palliyogam has 26 members of whom 21 are members of the commission and five are new members. These five are laymen (3 advocates + 1 Doctor and one retired professor i.e., the author). Thus the total number of consultants in the sub-committee for Palliyogam is 26 (15 clerics and 11 laymen).

One interesting thing about the lay participation is that out of 26 lay persons there is no woman either in the commission or in the subcommittee for Palliyogam. So also out of 26 laymen 20 are advocates in civil law.

These lay members are the nominees of the bishops and chosen to voice the views of the bishop and the canon law experts of the diocese. Advocates of civil law are chosen because there are no 'doctors of canon law' among the laity. Their main task is to give a legal framework to the particular law. They are not bothered very much about restoring the spirit of our ancient institutions! Most of them are not concerned about the 'Law of St. Thomas'. If the Law of St. Thomas limits the authority of the bishop, the curia or the parish priests the lawyer-members will see that this law does not interfere in the codification of a particular law — of the Palliyogam for example — of this church. In fact the lay members, especially the lawyer-members, had only a secondary role in the codification of the particular law. This is the reason why we have such a distorted and far from satisfactory draft of the particular law on Palliyogam. If the Synodal Fathers really wanted to have a draft reflecting the spirit of the Palliyogam of ancient times they would have chosen men and women who are well-versed in theology, church history or who have distinguished themselves by their loyalty and dedication to the church. Of course

some of the lay representatives could have been chosen from the legal profession also.

### **Legalism and Clericalism**

The basic drawback in the codification of the particular law of the 'Palliyogam' is legalism and clericalism. It gives undue importance to the Common law (CCEO) ignoring the centuries old law of Thomas and the ecclesiology of communion and co-responsibility which prevailed in this church. The draft is a product of civil law and canon law and in many instances discriminatory against the laity.

The undue importance given to ministerial priesthood is the second serious drawback of the draft code on Palliyogam. The codification has been done under the influence of the old notion in the Western Church which saw the priests i.e., those who have the sacred orders, as rulers in the church and the laity as the 'subjects' of the priests. In the Post-Vatican era we see the whole church as a priestly people instead of looking at it as priests and people. Anyway an approach that is discriminatory against any section of the church community is against the spirit and tradition of the Syro-Malabar church.

### **The story of a Preamble**

The best example for the twin drawbacks of clericalism and legalism in the draft of the particular law on Palliyogam is its introduction as given in the text published in the Synodal News (no. 4).

There is a story behind this Introduction in which the present writer also was personally involved. Indirectly it also shows the role of the laity in the codification of the particular law. This is the story. Because of the uniqueness of Palliyogam and its relevance to all sections of the People of God in this church, it was suggested at one of the meetings of the sub-committee that there should be a preamble to the draft containing a historical background of the Palliyogam and its theological significance. The writer of these lines was asked to prepare this preamble and present it at the next meeting of the sub-committee. I presented the paper at the next meeting and a condensed version of it was appended to the draft and circulated among the members of the committee and also in all the dioceses. Many people have with them this draft

with the shortened version of my introduction. But we don't know what happened to this introduction subsequently! When the draft was published in the Synodal News (no. 4) the original introduction was not there. Instead there was another introduction beginning with the words "where as the system of Yogams etc.". The introductory sentence apparently praising the 'laudable practice' of the Palliyogam ends with a 'sting at the tail', that is, a reference to CCEO 979, given within brackets at the end.

### The Implications of CCEO-979 and its irrelevance to the Particular Law on Palliyogam

CCEO 979-1 stipulates that those who have received the sacred orders are capable of the power of governance". The purpose of making a reference to this law in the opening sentence itself is obvious. The law makers i.e., the canon law experts want it to be understood that all the clauses relating to Palliyogam will be subject to Canon No. 979 which restricts the power of governance to the clergy. Reference to this clause is prejudicial, discriminatory and irrelevant for the following reasons.

1. CCEO has two clauses. It is 979-1 which associates the power of governance with those having the sacred orders i.e., the clergy. But it has a second clause i.e., 979-2 which says "other members of the christian faithful can co-operate in the exercise of the power of governance in accordance with the norm of law". The vast majority of the members of the Palliyogam are the laity; naturally therefore it is this second clause that would have been relevant here.

This kind of presentation of church law, highlighting the authority of the clergy and concealing the rights of the laity is unfair and discriminatory.

2. According to CCEO 295 the individual churches have the freedom to codify their own particular laws on parish assemblies. For the Syro-Malabar church the pillar on which it has to build the particular law of the Palliyogam ought to be the Law of St. Thomas which is many centuries older than the Codes of Canon Law, Latin as well as Eastern. In fact it is the 'Law of Thomas' which is the basic law of this church and the hall mark of its identity.

3. In our tradition power of governance of the church was not restricted to the clerics. Of course the bishops and the clergy

had the authority for the pastoral ministry. The bishops were respected for their holiness of life. They were honoured as spiritual leaders and gurus. Parish administration was the responsibility of the Palliyogam, made up of heads of families and the priests of the locality. The custom was never questioned or challenged.

4. CCEO 979 is an exact duplication of the Latin C. 129-1, 2. Both Canons have clauses which permit the laity to hold offices in the church (CIC 228-1, 2 and CCEO 408-1, 2). CCEO 408-2 says that lay persons may be admitted to any office in the church except those which require holy orders or which are expressly forbidden to lay persons by the particular law of their own church. The reference to CCEO 979 suggesting that the power of governance is a prerogative of the clerics is misleading.

I have given the above story of the preamble just to show the 'role' of the laity in the codification of the particular law.

The role of the laity in the codification of the particular laws was nominal or at the most consultative. The vast majority of the laymen in the committee were lawyers and they were chosen just to protect the authority of the eparchical bishops and parish priests.

#### **The Consultative role of the Parish Assembly and the Archiepiscopal Assembly**

Following the prescription of the Latin Law and the CCEO (the common law for all Eastern Churches) our law makers have made the parish assembly and the Archiepiscopal Assembly (the assembly of the whole church) consultative bodies. But this is contrary to the spirit of our ancient Palliyogam. The parish assembly or the Archiepiscopal assembly does not become Palliyogam merely by calling them so.

The law makers — especially the canonists — were careful to see that the lay people of these assemblies have only a subservient role. According to the definition of the parish assembly (Particular law 2-12) and its purpose (C. 1.2) it is intended to advise and help the parish priest. This means that the lay people of the parish assembly have only an advisory or consultative role. They are merely the helpers of the parish priest. It is to stress this subservient role of the laity and the power of governance of the clergy that the new 'Introduction' was added. But this is

contrary to the tradition and patrimony of the Syro-Malabar Church. Writing a particular law on church administration violating the tradition and the centuries old custom in this church is unjust and contrary to the very purpose of the Particular Law.

It will be a pleasant surprise to all those who are interested in this subject, to know that Rev. Dr. Jacob Kollaparambil who piloted the particular law on Palliyogam (parish assembly) at the Synodal meeting in Nov. 94 retracted some of the objectionable statements in it. In the paper presented at a meeting of the Canon Law Society in Bangalore on 18th October, 95 he stated: "The main difference of the yogam from the similar bodies of the Latin Church is that the yogam is *not merely* a consultative body. In yogams the clergy and the hierarchy collaborate with lay participants to make decisions or consensus" (P. 6 of the paper). He admits the weakness in the present code when he states: "In the present code the yogams of the eparchial level and the church sui juris level are made consultative only. But this is not according to the immemorial tradition of the Church of St. Thomas Christians (P. 6)." "The church is duly bound to restore the ancient nature of the Sabhayogam — the Major Archiepiscopal Assembly" (P. 7).

How is that the law makers forget that custom is more important than law? (CCEO 1493; 1506-9). How is that they failed to incorporate the spirit of the Law of Thomas in the particular laws?

Who is to be blamed for the present code of the Particular Law which does scant justice to our centuries old tradition of church administration (Palliyogam) in the Syro-Malabar Church? The clerics or the lawyers? May be the whole church leadership has to take the responsibility for this!

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# Inangar\* in the traditions of the Church of St. Thomas Christians

The St. Thomas Christians of Malabar have a unique tradition of ecclesiology. Basing himself on the ancient historical documents, copper plates, stone inscriptions, ancient manuscripts, the author tries to bring out the different dimensions of the ecclesiological traditions of Malabar. The main documents he analyzes are Tharisappally Copper Plates (9th cent), Vat. Syr. 22, (1301) the earliest known Syriac manuscript of Malabar, the Paravur Inscription (1556), the Decrees of the Synod of Diamper (1599), the statutes of Ros (1604) and Varttamanapustakam (1886??); the remnants of ancient traditions of ecclesial structures of Malabar are brought out where the Desattu Pattakkaraum Inangarum; the local priests and the representatives of the people and the Bishops act together in communion as a christian community of love and unity.

The St. Thomas Christians of Kerala have bequeathed to posterity an invaluable religious heritage, which found its expression in the manifold areas of Christian living. This is true of their unique traditions, their social customs and manners, their Christian way of living, their theology, liturgy and spirituality. This community of Christians has always tried to preserve their traditions and heritage in the face of different vicissitudes of history. One such pristine heritage, whose valuable remnants are still preserved in all the denominations of St. Thomas Christians, is its ecclesiological traditions and ecclesial structures.

However, it is a sad fact that, down the centuries, the St. Thomas Christian traditions have undergone many transformations, in its encounter and interaction with other traditions in the universal church. St. Thomas Christians have their origin from the apostolic activities of St. Thomas the Apostle. Unfortunately, today we do not have much information about their traditions until the fourth century.

\* Inangar(pronounced = *Inanjar* = ഇന്നങ്ങൾ) are those members of Palliyogam (church assembly) of St Thomas Christians, who are not priests/deacons We wanted to avoid use of the word laity as its equivalent See Concluding Remarks.

In the fourth century, as tradition has it, St. Thomas Christians came in contact with the East Syrian Churches of Persia and Mesopotamia. This new relation brought them to an encounter with the biblically rooted East Syrian traditions of theology and spirituality unaffected by Greek thought and Roman legalism. It transformed their liturgical language and liturgical traditions. However, this relation with the Persian and Mesopotamian Churches also made them dependent, at first, in the realm of spiritual dispensation. But in the course of time, this dependence made the apostolic Church of Malabar juridically under the Patriarch of Mesopotamia. This involved a transformation in the ecclesial structures of this Church.

By the end of the 15th century the Portuguese came to India. Their first contact was with the Malabar coast and the St. Thomas Christians of Malabar. It is said that they "came searching for spices and Christians". This encounter with the Church of the West, in fact, opened its vistas to new theological traditions and heritage of the Western Church. But it also created unwelcome situations. They had to be victims of Roman legalism. Using political power as a weapon the Portuguese used pressurization on the St. Thomas Christians "to conform themselves to the Roman Church and its traditions". They did a lot of havoc to the ancient traditions of the St. Thomas Christians. This apostolic church of St. Thomas was brought under the ecclesial jurisdiction of the Roman Church. They had to undergo three centuries of constant struggle to preserve their ancient traditions.

The relation with the Roman Church was also a cause for division among the St. Thomas Christians. The romanization programmes culminated in the Synod of Diamper of 1599. The high handed Roman rule over the community for half a century, forced them to resort to open resistance to the romanization and annihilation of their age old traditions. It came to a climax in the Coonan Cross Oath of 1653. This made a section of the St Thomas Christians separate themselves from the Roman rule and they came in contact with the Antiochian traditions of the Orthodox Church. This brought to the Malabar Coast the West Syrian liturgy and the hierarchical dependence on the Patriarch of Antioch. The next two centuries of Antiochian allegiance made the Orthodox Church conform to the Antiochian traditions. The relation of the Churches of Trichur with the Church of the East in the last century brought

the St. Thomas Christians of Trichur conformists to the traditions of the Nestorian form of the East Syrian traditions.

Under the influence of the Roman, East Syrian and Antiochian traditions, the different Churches of St. Thomas lost much of their valuable traditions of ecclesiology and ecclesial structures. The different ecclesiologies and ecclesial structures that are found in the Syro-Malabar, Syro-Malankara and Orthodox Churches are a mixture of three different traditions. The Malabar Church has been influenced by the East Syrian and Roman traditions, the Malankara Church by the Roman and Antiochian traditions while the Orthodox Church by the Antiochian traditions. However, all the three still preserve remnants of the older traditions.

This is a study on the place and role of the laity within the ecclesial structures of the Malabar Church. It has its relevance in the context of attempts made by the Syro-Malabar Church at creating particular laws for the Malabar Church under the new Oriental Canon Code. Such attempts at making new legislation have not paid proper attention to the age old traditions of the Malabar Church with regard to their ecclesial structures and their ecclesiological significance. This study is all the more relevant and necessary in the context of the glaring fact that, though studies have been made on the "Fontes Juris Canonici" of the Churches of the Oriental tradition in view of the codification of the Oriental Canon Law, that on the "Fontes" of the Malabar Church alone was left undone. Is it because this church was wrongly considered part of the Chaldean Church? This hipheneation of the Malabar Church was a big mistake that the official commissions for the codification of the Oriental Code had done. No one has realized the great importance of the ecclesiological traditions of the Malabar Church and the theological significance of its ecclesial structures. It is against this background that we situate this study.

This study is an attempt to trace the ancient traditions of the ecclesial structures of the Malabar Church and their theological meaning. We base our study on the following documentations which will reveal the unique traditions of the Malabar Church.

1. The Tharisappally Copper Plates (9th cent)
2. The Syriac Manuscript Vat. Syr. 23
3. The stone inscription of Paravur (1556)
4. Canons of the Synod of Diamper

5. Statutes of Ros
6. Varttamanappustakam (1790)

The Tharisappally Copper Plates of the 9th century are the first document that we possess that gives us some reference to the ecclesial structure of the Malabar Church. In it we find the expression for the first time that denotes the Christian community as the agent of action. It also reveals the influence and the power the Christian community had in the civil society. The Syriac manuscript Vatican Syriac 22 speaks of the Chair of St. Thomas where Mar Jacob was the Metropolitan. But he is seen in relation to the patriarch of Mesopotamia. The second important document is the Paravur Stone Inscription of 1556. This gives a clear picture of the inter-relation of the Bishop, Priests and Inangar (Lay People) in the Church. The convocation of the Synod of Diamper and its decrees (1599) are real witnesses of the role of the laity in the Malabar Church. The Statutes of Ros (1606) see Thomas Christians as the "sheep-fold of St. Thomas". The *Varttamanapustakam* of Thomas Paremackal (18th cent.) puts in clear relief the different ecclesial structures namely the local Church assembly, the regional Church assembly and the Malabar Church assembly that existed in the Malabar Church with their relevance and their inter-relations.

### 1. Tharisappally Copper Plates

The Tharisappally Copper Plates are rare documents of immense value not only for the study of the political, economic, socio-cultural and religious history of Kerala, but also for the history and traditions of the Thomas Christians. This document has a special value for the study of the ecclesiology of the Malabar Church, especially of the ecclesial structures and the role of the laity.

The Copper Plates contain special privileges and rights given by Ayyanadikal Thiruvadikal, the ruler of Venad, to the Church of Tharisappally built by Maruvan Sapir Iso. These Plates are also known as Quilon Plates as Tharisappally was in "Karakoni Kollam" (present day Kollam known as Quilon). They are also called Thevalacara Plates. There are two sets in the Tharisappally Copper Plate collections.

The first set of plates clearly says that it was given by Ayyanadikal Thiruvadikal in the presence of Adhikarar, Anjuvannam and Punnathala in the 5th regnal year of Sthanu Ravi (9th cent.).

The first is designated as "Vituperu" and are special privileges given to the Tharisappally Church community, with certain rights and power over certain families. By this privilege four families of Ezhavas and one family of Vannan are given right to enter the Angadi (market) and the fortress. The copper plates clearly give injunction that neither the head of the Ezhavas nor the controller of the fortress, shall punish these families for whatever crime they may commit. The Church community ("Pallikkar") alone have the right to judge these people and mete out punishments.

The second set was given by the same Ayyanadikal in the presence of the Koiladhikari, Vijaya Raghava Devean, the younger Rama Thiruvadi and the Adhikarar. In this set Maruvan Sapir Iso is designated as the one who founded the city and built the Tharisappally (Church). This second set of Copper plates gives the Church the right over the land given to the Church which it calls the Pallibhumi (Church-land) and the rights over the people living in the Church-land, two families of Vaniyar, one family of Carpenter and four families of Vellalar, who should give to the Church whatever is due to the Church. It also gives the Church the right over the people who live in this land given to the Church. If they commit any mistake "let the Pallikkar (Church Community) themselves" judge over it and levy taxes ("Thalavilayum Mulavilayum") from them.

The Quilon Copper Plates are valuable witnesses for the age old St. Thomas Christian tradition of ecclesial structures. The two words, "Palliyarey", "Palliyarku" have special significance. They denote the Church community as well as those representing the Church. It is equivalent to the later "Pallikkar" which denotes the church community as well as the Inaiñar or members of the Church Assembly.

This is the first reference to the technical expression, "Pallikkar", representing the Church Community, often represented by the "Desattu Pattakkarar and Inaiñar" (local priests and the lay representatives) as seen in the Paravur Inscriptions (1556). This expression will be very frequently found in the Varttamanappustakam and other writings of the 17th and 18th centuries. It is the Church community that receives the privileges and it is the Church community that have the right to levy taxes, to judge and mete out punishments. But the community is represented by lay

representatives and priests. This points to the place and role of the laity in the ancient Malabar tradition.

## 2. Vatican Syriac 22 of 1301

Vat. Syr. 22 is a Syriac manuscript written in 1301 in Sengal near Cranganore, in Kerala. It is the oldest known Syriac and Biblical manuscript written on the Malabar Coast. It contains readings from the letters of Paul meant for the whole liturgical year according to the East Syrian tradition. It follows the Cathedral System of the East Syrian lectionary. From the point of view of the study of the Liturgical Year, this represents the tradition of the Cathedral System different from the tradition of the Upper Monastery. It was written by a deacon Zacharia son of Joseph son of Zacharia.

What interests us in this study is the Colophon, where the scribe gives the details as to when, where, by whom and from what source the manuscripts were copied. The Colophon is of immense value for our study, as it throws much light on a few facts that are ecclesiologically important.

First, it points to the hierarchical order that existed in the Malabar Church. The colophon makes references to the Catholicos of the Babylon and of Mar Jacob the Metropolitan of India. We read:

This holy book was written in the well known and famous royal city of Sengal, in Malabar in India, in the holy church named after the martyr Kuriakos...when...Mar...was Patriarch of the East... and when Mar Jacob, Metropolitan and Bishop was the chief and the guardian (m'dab'rana) of the Chair of St. Thomas the Apostle and the way and guardian of the whole Church of India.<sup>1</sup>

Here we have a statement written some nine centuries after the first contact of St. Thomas Christians with the Persian/Chaldean Church. The document clearly shows that the community has accepted the authority of the Babylonian Patriarch and the Metropolitan Mar Jacob was appointed as m'dab'rana of the whole India by the same Catholicos. Here hierarchically the Metropolitan is under the jurisdiction of the Catholicos. That means the Church was under the rule of the Patriarch. We read later in the Narratives of Joseph

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1. Vat. Syr. 22, folio 94, column 1.

the Indian, that in 1500 AD the Catholicos was sending two Patriarchs one for India and another for China and that Joseph himself was ordained priest by the Catholicos. This means a hierarchical dependence to the East Syrian Church.

The second is the reference to the Chair of St. Thomas, the Apostle (*Kursya d' Mar Thomasliha*) together with the expression "m'dabrana d' Kolla Hendo" applied to Mar Jacob. This points to the autonomy of the Malabar Church vis- à vis the authority of the East Syrian Catholicos. The Metropolitan is on the Chair of St. Thomas, the Apostle and is the "m'dabrana of the whole India". This title gives validity to the traditions of the "Law of St. Thomas" and the "Way of Thomas". This in turn points to the autonomy of the Church of St. Thomas, acting through local Church Assembly, regional Church Assembly, the General Church Assembly or (*Malankara Yogam*, [as is seen in *Varttamanappustakam*] consisting of Desattu Pattakkarakarum Iñaiñarum (as in the Paravur Inscription) but in relation to the one "on the Chair of St. Thomas, but now (14th century) under the jurisdiction of the Babylonian Catholicos. This autonomous Church, the Statutes of Ros will later call as the *Mara'-isa Thommaitha d'Hendo* (*Sheepfold of St. Thomas in Malabar*) and as '*Malankarayile Mar Thoma Slihayute Idavaka*' (*the Diocese of St. Thomas in Malabar*).

The third thing to be noted is the expression of *m'dabrana*. This expression points to the spiritual role of the Bishop as *m'dabrana*. The word has the same root as the word *m'dabranusa*: which means the divine dispensation, or the salvation history. *D'var* means to be led and its causative verb *dambar* means to lead. *M'dabrana* is someone who leads. Role of the Bishop is to lead and direct the people in the ways of the Lord. His role is one of shepherding. In that he is participating, collaborating and continuing the divine dispensation: *m'dabranuseh d'Maran*. Hence the Bishop and the Metropolitan have the role of leading people in the ways of the Lord. They are not temporal administrators. They are spiritual dispensers, dispensing gifts of the spirit or leading people in the ways of the spirit. This spiritual role of the Bishops is lost sight of in the Malabar Church.

### 3. The Paravur Inscription of 1556

The next document that we shall analyse in this study of ours is a stone inscription erected on the wall of the St. Thomas

Church Pattamana Paravur. This stone inscription will give us much light in understanding the meaning of the word Inangar and the role and place of the laity in the traditions of St. Thomas Christians. This will also help us to understand the meaning of the word Palliyar / Palliyareyar of the Quilon Copper Plates and the Pallikkar or Pallikkarar of later documents.

What the Paravur stone inscription describes is the coming together of the Christian community of Pattamana Paravur, their agreeing upon building the St. Thomas Church and their erecting the cross and celebrating the mass. This stone inscription is in *vattezhuthu* the script that was prevalent in Kerala, before the present *aryaezhuthu*, came into use. In those days there were two other scripts in Kerala besides the *vattezhuthu*. They were *Kolezhuthu* and *Malayanma*. Generally *Vattezhuthu* is seen in stone inscriptions. *Kolezhuthu* and *Malayanma* are seen in palm leaf documents. This was written in the year 742 of the Kollam Era or Malayalam Era (ME). This is the same as AD 1556.

The text of the stone inscription can be translated as follows:

On the 16th of the Vrischika Jnayar in the year 1556 after the birth of Christ (Michiya Pirannitta), the Bishop Mar Joseph, and the priests of the place (Desattu Pattakkararum) and the Inangar came together inview of building the St. Thomas Church of Pattamana Paravur and they agreed upon, and erected the Cross and celebrated the Ourvana. This is in the year 742 of Kollam, 16th of Vrischika Jnayar.

This is a very beautiful vision of the Church. This will give us a clear understanding of the meaning of Palliyar / palliyareyar in the Copper Plates and the later Pallikkar. When the Desattu Pattakkararum (local priests) and Inangarum come together then they make the Pallikkar. Each of the words in the inscription reveals the lived theology of the Christian community of Paravur.

Let us analyse the content of this text. In this document we see three agents of action: the Bishop Mar Joseph, the local priests and the Inangar. Let us compare this with the laying of a foundation of any Church today. The inscription for example would read: The foundation stone was laid by His Grace ... (name) Archbishop of ... (name) on 15th April 1996. This inscription also reveals the lived theology of today. At the laying of the foundation, besides the Archbishop, priests, religious and the Christian

community might be present. But none of them would be inscribed on the foundation stone. Only the Bishop is important, the priests, and especially the lay people are out of the picture. This points to an ecclesiological vision where the Bishop is all in all and supreme.

But if you look at the Paravur inscription, we find a great dimension of the community. The subject of the verbs "came together", "'erected'", "agreed upon", and "celebrated the Qurvana" is the same; namely, the Bishop, Priests and the Inangar. We shall see later when we speak of the Varttamanappustakam that all come together in the matter of decision on different levels. We know that in the Synod of Diamper there were Priests, Inangar and the Sammasas. Here the Bishop also has his place, but not different from that of the lay people and priests. Again when we note that the subject of the verbs "agreed upon and erected the cross", is "the Bishop, priests and the people", we are reminded of Chapter 15: 22 of the Acts: "the Apostles, the elders with the whole Church" and their decision: "the holy spirit and we have decided" (Acts 15: 28). Above all it is important to note that the subject of the verb "Qurvanayum Cheythu": celebration of the mass again is the act of "the Bishop, priests and the people" together. This shows that they celebrate together; "the symbol of unity". It is not merely the bishop and the priests that celebrate the Eucharist. The Inangar also are the agents of the action. Here we have a splendid model of the unity and communion of the Christians. Regional and Malankara Assembly of the "elder and younger brothers" in Varttamanappustakam also shows the same sense of community.

#### 4. The Canons of the Synod of Diamper (1599)

This great heritage of the ecclesial traditions of the St. Thomas Christians began to be affected with the coming of the Portuguese and was drastically changed with the Synod of Diamper, as already mentioned at the beginning of this article. The early relations of the Portuguese with the St. Thomas Christians were friendly. But, trained as they were in a theology of their own, they could not understand the manifold dimensions of the St. Thomas Christian traditions. They found that the Malabar traditions were different from theirs and attributed heresy, false doctrine and evil practices in many of the traditions and customs

of the St. Thomas Christians. Hence they determined to make the Church of St. Thomas "conform to the Roman ways". To achieve this end they did not spare any means. Their attempt at the "reformation of the Malabar Church", as they vaunted their work, culminated in the famous Synod of Diamper 1599. Modern studies have shown that the Synod of Diamper was unlawfully convoked and conducted and for that reason was illicit and invalid. Valid or invalid, legal or illegal, the Synod of Diamper changed the lot of St. Thomas Christians and badly affected their age old traditions.

Though it drastically changed the Malabar ecclesial traditions, the canons of the Synod and the related documents throw much light on the ancient ecclesial traditions of the St. Thomas Christians. The very way of the convocation of the Synod reveals the ancient traditions, especially the role and place of the Inangar in the Ecclesial structures of the Malabar Church.

Though the Synod was convoked on the model of a diocesan synod of the Roman tradition, the Archbishop had to follow the Malabar tradition. Hence the invitees to the Synod included 660 Inangar (lay people) besides 153 priests, deacons and subdeacons. As is clear from the very letter of convocation, four mature and truthful representatives from each Market Assemblies, and where the market assemblies did not exist, from the Church Assemblies. This reveals a very important dimension of the ecclesial structures, namely, the existence of the 'Angadi Yogam' and the 'Palliyogam'. The Synod was the third level, the diocesan level or the All-Malankara-level. Hence the Synod of Diamper points to the existence of three levels of the ecclesial structures: the Angadiyogam (the Market Assembly), the Palliyogam (the Church Assembly) and finally the Malankara Yogam (the Synod itself). Representatives were invited from the four Angadis of every Church. This points to the possibility of a Christian community which is not essentially Eucharistic.

Now that we have identified the different levels of the ecclesial structures, we are in a position to look into the place of the Inangar in the Canons of the Synod of Diamper. The First Mautha, first Reflection of the canons of the Synod describes the participants as "Priests and Inangar called together for the Synod according to the custom of the Diocese". In the very introduction of the Canons the Priests and Inangar are twice mentioned: "the Synod convoked the Priests and Inangar of the diocese of the ancient St. Thomas

Christians of Malankara", and again "Bishop Mar Alexis gathered together the Priests and Inangar at the Church of Martha Mariathumma at Uthiyamperur". Again we have the expression: "The vicars, the priests and the Inangar". The words "Pattakkarakarum Inagarum" go very often together in the Decree of the Synod, pointing to the fact that they together make the christian community. The word Inangar is used some 34 times in the canons while the word Pattakkarakar is found about 200 times. But there was no distinction between the two. There was no difference in rights or privileges or power exercised.

### 5. Statutes of Ros (1606)

The St. Thomas Christian community was very unhappy with the Synod of Diamper and its canons. They felt that their age old traditions and rightful beliefs were misunderstood and misinterpreted. Bishop Ros SJ who became the first Bishop of the St. Thomas Christians under the Latin rule realized that the Christian community was not very happy with the whole happening at the Synod of Diamper. Hence in 1606 Ros SJ published the Statutes. There is a manuscript kept in the Vatican Library (Borgiano Indiano 18)<sup>2</sup>, Karson copy of which is kept in the Archives of Cochin. We have also some vague memory of a palm leaf manuscript of the Statutes of Ros kept in the National Library of Paris. But the notes we have taken are not sufficient to give any further information.

The document has two titles, one is in Malayalam which reads: Malankare nammute Marthommashihate Idavakayute Kanonakal (The Canons of the Diocese (Idavaka) of Our Mar Thoma Sliha in Malankara. The second is a Syriac title written in Malayalam script, which reads Thukasa d'Maraisa Thommaitha daHendo: The Rules of the Sheepfold of St. Thomas of / in India.

What interests us most in this document is its title. We shall not make any reference to the content of the Statutes. Here both the Malayalam and the Syriac expressions are interesting. In the Malayalam title, the Church community is named Idavaka/ Edavaka, in Syriac we have the expression Maraisa. Idavaka/ Edavaka is related to Idayan/ Edayan, i. e., Shepherd. The Syriac maraisa means Sheepfold. The concept of the Church as the

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2. Vallavanthara, A., A Catalogue of the Malayalam Manuscripts in the Vatican Library, p. 58-62.

Sheepfold, with the Shepherd / Sheep relationship is a very beautiful vision of the Church. The qualification Nammute Marthommasilayute and the Syriac adjective Thomamitha both represent the apostolic origin of this Church. It is all the more significant that these titles were given by a European and that immediately after the Synod of Trent. It points to the lived theology of Shepherd, Sheep and sheepfold, in relation to the Bishop and the people of God.

#### 6. Varttamanappustakam (1790)

Varttamanappustakam of Paremmackal is a monumental work that has given us immense knowledge about the great ecclesiological traditions of the St. Thomas Christians. In an earlier article we have studied the ecclesial structures of the Malabar Church as revealed in the Varttamanappustakam.<sup>3</sup>

According to Varttamanappustakam, there are three levels at which the Malabar Church community acted, namely, at the local level, at the regional level and at the level of the whole Malabar Church. The Palliyogam is at the basic level, the Malankara Yogam at the level of the whole Malabar Church. Besides these the Varttamanappustakam speaks of the regional meetings of different Church assemblies to deal with matters of regional importance. But this is a very fluid organization, which can be called when and where it is needed, by any Church assembly, inviting a few or many regional Church communities.

The important word that we find in the Varttamanappustakam is the word Pallikkar. In many documents of the 18th century we find this word very much in use. All through the Varttamanappustakam we find this expression. Pallikkar represents the local church members. Here there is no clear indication of any distinction of Pattakkasar and Inangar as in the Synod. The equivalent is perhaps the Palliyar / Palliyareyar. Pallikkar according to Paremmackal is the community of the Jyesthanujanmar (elder and younger brothers), a terminology that very often occurs in the book.

This community of Jyesthanujanmar was in fact a community of love and not of law. There was no written regulation

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<sup>3</sup> Antony Vallvanthara, "The Ecclesial structures of the St.Thomas Christians of Malabar", *Jeevadhara*, July/August 1982, pp. 312-322.

with regard to the convocation and functioning of the assemblies. Any Church assembly could send a *kuri* to invite the other Churches and each church by law of love felt obliged to accept the invitation. The General Church assembly at Angamale shows that the assembly was a community of love that shared material things that were needed.

Varttamanappustakam shows that the General Church Assembly (Malankara Yogam) was the supreme authority in the Church. It has power even over the Bishop, and the bishop was answerable to the Church Assembly. It had power to resolve differences between particular churches or persons and the bishop. It also reveals another system that existed in the Malabar Church, that no punishment could be meted out without consulting the Church assemblies. Paremmackal clearly says: All are aware that according to the ancient custom of the Malabar Church no punishment could be inflicted unless the crime be proved before the representatives of four Churches. The ecclesiastical and civil laws prescribe that at least two witnesses should testify against the statement of the accused before he could be punished.<sup>4</sup>

We know that in the present day arrangement in the Malankara Orthodox Church the Synod consists of Bishops and the lay representatives. It is based on the model of the Malankara Yogam. The Church assembly at the local level is still operative, in the Syro-Malabar Church, of course, much restricted and controlled by the bishop and the parish priests. The Inangar are represented, immediate mode of action is through a parish committee. On the level of the Synod there is no representation of the Inangar in the Syro-Malabar Church. In the Syro-Malankara Church too there is no representation of the Inangar on the Synodal level. But following the post Vatican western model many dioceses in the Syro-Malabar Church have pastoral councils. But they are also advisory bodies. Bishop is not bound by anything that the pastoral council decides, except by way of etiquette, courtesy and friendship. There is neither legal binding nor moral obligation.

#### Bishop as the Pastor

Varttamanappustakam uses the simile of shepherd and sheep with regard to the Bishop and the people. It is not merely a literary

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4. Placid J. Podipara, *Varttamanappustakam; Orientalia Christiana Analecta* Rome, 1971, p. 41.

form. The very Malayalam words Itayan and Itavaka points to that. The role of the Bishop is not ruling but shepherding. This goes very much on the line of the Statutes of Ros which we have already discussed, Maraisa Thomaitha and Thomaslihate Itavaka.

With regard to the theology of the Inangar, the Varttamanaappustakam is very clear. It does not distinguish between pattakkars and Inangar when it speaks of the Pallikkars. In a community of love such distinction of status was not made. The only difference was that of the ministry.

### Concluding Remarks

Our study of the different documents has revealed the different dimensions of the ecclesiology of the St. Thomas Christians and the ecclesial structures that existed in the Church. Each document, starting from the Copper Plates ending with Varttamanaappustakam, has something unique to offer with regard to the heritage of the St. Thomas Christians.

We started with the Tharisappally Copper Plates. The Copper Plates have given us the expressions Palli, Pallikku, Palliyar, Palliyareyar. Palli, denoting the Church community, hence the name given to the Church (Pallikku, Tharisappallikku) is given to the community. On the other hand Palliyar and Palliyareyar are equivalent to the later Pallikkars, which is the Church community represented by both local priests and Inangar. But what is interesting is that in the Copper Plates we do not see the tendency of dividing the community into "Pattakkaram Inangaram", Priests and Inangar as in the Synod of Diamper or Priests and the Laity as in contemporary terminology. As Scaria Zacharia points out the distinction between Priests and Inangar and even the grading into priests and laity, or Vicars, Priests and laity, is the result of the romanization mentality. But this was not the thinking pattern of the St. Thomas Christian tradition. It is very well seen in the expression Pallikkar and Jyestanujanmar (Elder and Younger brothers) found in the Varttamanappustakam. Most of the 16th, 17th and 18th century documents use the expression Pallikkar without any distinction between Priest and the laity. But the ideal community is seen in the Paravur Inscription, where the Bishop, the Desathu pattakkars (local Priests) and the Inangar act as a community without any distinction, exercising their ministry at all

levels and areas, as "gathered together", "agreed upon", "erected the cross" and "celebrated mass".

The second dimension of the ecclesiology is the different ecclesial structures. From the Varttamanappustakam we know three levels of ecclesial activity. The first is the local level, the Church Assembly, or Palliyogam. The second is the regional Church Assembly which in fact is very fluid and does not have a Malayalam expression as in the case of the Palliyogam and the Malankara Yogam. The third is the General Church Assembly (Malankara Yogam). While the local Church Assembly deals with the affairs of a Palli, and the Malankara Yogam the common affairs of the whole Malankara Church, the Regional Church Assembly is only the meeting of a few Pallikkars (Churches), who come together to deal with matters of regional interests. The number of participants, limits or extension of the participation, are not fixed; they remain flexible and fluid. The Synod of Diamper brings out a special dimension. The letter of convocation of the Synod speaks of the "Angadi Yogam" different from the Palliyogam. Hence we have four levels in the ecclesial structures of the St. Thomas Christians.

1. The Market Assembly (Angadi Yogam)
2. The Local Church Assembly  
(Palli Yogam or simply Yogam)
3. The Regional Church Assembly
4. The General Church Assembly (Malankara Yogam)

The third dimension is the concept of unity of community. Christian community is a community of love. This is a community of "Jyestanujanmar": elder and younger brothers. There is no distinction of power or authority. The only distinction is of ministry. This community has different levels as it has been shown above. But at none of these levels, is the community a community of law, but of love. Any Church assembly can call a meeting of other Churches. There is no fixed regulations of membership and quorum, one Church or a few Churches together can convene the Malankara Yogam. Each of the Assembly can make decision on things that come within their competence. The Malankara Yogam had the right to give the Desakuri and also to elect the Bishop. The relation between the Bishop and the community is one of

Shepherd and Sheep. Bishop is not a temporal administrator. He is the "m'dab'rana" of the community in the ways of the spirit.

### The Inangar

In this community of love the Inangar are the people who bring the community into harmony. As the root meaning implies their role is to bring together, to unify. Even the word Inangar is used to denote the Church community. Inangar form part of the Pallikkar, and are the members of the Palliyogam, who are not priests or clerics. As mentioned above we cannot use the word laity to represent the Inangar. For in the western concept of priests and laity there is a great difference between them, whereas there is no such distinction of grade, or power or authority among the Pallikkar or in the Yogam. The Bishop, the Desathu Pattakkar and the Inangar have the same place and equality in the Church.

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# Role of the Laity in the Church: A Historical Introduction

The author reviews the role of the laity in the Church at different periods of its history. The early Church was a Communion of believers in Christ where all were regarded as equal in dignity and the task of spreading the Gospel was the concern of all. Later periods of history witnessed not only a sharp distinction between clergy and laity, but reduction of laity to sheer passivity excluding them from any active role in the Church. Clergy was said to be the soul and laity the body. Today after Vatican II the Church has realized that the mission of the Church in the world cannot be fulfilled without the active participation of the laity. Thus the laity is today reinstated in their rightful place in the Church, which is a sign of great hope for the future of the Church.

The primitive church was a communion of believers in Christ united by faith, hope and love. The different gifts in the community — apostles, preachers, teachers — were understood to have been given for the common good. In spite of the different gifts and charisms, all the members were regarded as equal in dignity and the task of spreading the Gospel was the concern of all the members of the Church according to their specific vocations in life. In the first century itself we find the development of a certain hierarchical structure in the community as the reflection of the authority of God and of Christ. But it did not mean an opposition between the clergy and the laity. The real opposition was between believers and non-believers, between 'ecclesia' and 'saeculum'. The contribution of the laity during the apostolic and post apostolic period for the growth and development of the church was enormous because "the company of those who believed were of one heart and one soul".<sup>1</sup>

Unfortunately this situation did not last long in the church. The centuries that followed witnessed not only a sharp distinction between the clergy and the laity, but even reduction of the laity to an inferior position in the church and their exclusion from active participation in many spheres of Christian life and activity.

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1. Acts 4:32.

This gap<sup>1</sup> between the community and its clerical rulers widened further during the middle ages and still worsened as the church entered into the feudalistic system. The promoters of Humanism and Renaissance tried to expose the anomalies of the clerical system and to assert the dignity and independence of the laity. But it did not go far. It was the period of revolutions, especially the French revolution which was professedly antagonistic to religion that brought about a change in the attitude of the clergy towards the laity. The church authorities more and more came to realise that the mission of Christ in the world cannot be effectively fulfilled without taking into confidence the community of the faithful who live in the heart of the world. Thanks to the efforts of the Popes of the twentieth century and finally the historic II Vatican Council, the place and function of the laity in the church have been rediscovered and they have been, so to say, reinstated in their rightful place with all that it implies. The purpose of this essay is simply to give a bird's eye view of the estimate and functions of the laity in different periods of history

### 1. The Origin and meaning of 'Laity'

The terms lay, layman, and laity are all derived from the Greek word 'laos' meaning the people. In profane Greek 'laos' designated the mass as distinguished from the leaders or rulers of the people.<sup>2</sup> In the biblical sense the word 'laos' was used to denote the people of God, the chosen people as distinct from the gentiles. The word became a specific term for a specific people, namely Israel, and it served to emphasize the special and privileged religious position of the people as the people of God.<sup>3</sup>

The NT writers took up this meaning of 'laos' to designate the Christians as the new Israel, as the new people of God gathered together by Jesus. The idea of election and consecration is very much emphasized in the N.T. passages. Thus Peter defines what the Church is: "you are a chosen race, a royal priesthood, a holy nation, God's own people".<sup>4</sup> In the letter of Clement of Rome (c. 95 AD) we meet for the first time the term 'laikos' applied to the ordinary faithful in contrast to the officials.<sup>5</sup> The Latin

2. Is. 24: 2; Jer. 26: 11.

3. Cf. Ex. 19: 4-7; Deut. 7: 6-12.

4. 1 Pt. 2: 9-10.

5. William A. Jurgens, *The Faith of the Early Fathers*, TPI Publications, Bangalore 1984, I, p. 10.

translation 'Plebeius' then led to the notion of the laity as the mass of the people with no special competence.

Gradually the NT emphasis on election and consecration disappeared and the contra-distinction came to the forefront. The term laity began to be used to distinguish the ordinary people from the religious and the clergy. In course of time it acquired a pejorative meaning such as the ordinary, the ignorant, not qualified, incompetent, with no special knowledge and skills, etc. We shall later see how this derogatory tendency in the estimation of the laity continued on to the centuries that followed.

## 2. The role of the laity in the Early Church

All believers form one body. The primitive Christian community was vividly conscious of its election as the new Israel. The sense of being singled out and of being the closely-knit fellowship grew day by day. Thus the members of the community were called the elect, saints, disciples, believers, brethren, etc. There was an acute sense of the opposition between the brotherhood of believers and the unbelieving world.

The early church gave great importance and dignity to the laity, being aware that baptism made them partakers of the benefits of redemption and members of Christ's Body. For this reason the Fathers often address letters or treatises to the laity and emphasize the duty of every Christian, without distinction, to work for the good of the brothers according to the particular charisms received. The laity shared in the administration. In the first centuries the common faithful took part in the election of presbyters and bishops and spoke in synodal meetings.

"...The people in obedience to the Lord's commands and in fear of God, ought to separate from a ruler who is a sinner and not to be associated with the sacrifices of a sacrilegious priest, since the people especially have the power of choosing worthy priests or refusing the unworthy. The practice of choosing a priest in the presence of the people and before the eyes of all, and requiring that he should be approved as fit and worthy by the general decision and testimony, evidently comes to us with divine authority ... that the appointment may be valid and regular, as having been tested by the vote and decision of all...".<sup>6</sup>

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6. Henry Bettenson (ed.) *The Early Christian Fathers*, Oxford 1990, p. 268-67

In the case of the appointment of the bishop Cyprian says: "the neighbouring bishops of the same province should assemble with the people for whom a ruler is to be appointed, and the bishop be chosen in the presence of the people who have the fullest knowledge of the manner of life of individuals and are acquainted with the behaviour of each from having lived with them."<sup>7</sup>

The early Christian community was well united forming one body with their leaders and sharing in their responsibilities. Paul had so many fellow-workers and collaborators like Silas, Barnabas, Timothy, Priscilla, Acquilla etc<sup>8</sup>. We find about eighty personal names of co-workers who "toiled for the community" in one way or other as teachers, preachers, prophets or leaders of house communities. Paul had many laymen and women working with him without any distinction or division.

In the early Church private house(s) was the place where there was preaching or instruction, and also the place where the Eucharist was celebrated. There were well-to-do persons who had become Christians and put their house at the disposal of the community, and often gave it financial support. There was seldom any tendency for power or authority. But when there arose some ambition for asserting superiority, Paul admonishes them: "there is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female; for you are all one in Christ Jesus".<sup>9</sup>

#### *The Laity as preachers and teachers*

The Didache (bet. C. 50-140 AD) speaks about the apostles, prophets and teachers. They don't seem to be permanent, elected officials of an individual church, but primarily independent teachers who ascribed their calling to a divine command or charism. These preachers were, in the first place, regular missionaries of the gospel and, in the second place, they were the men who ministered to edification, and consequently sustained the spiritual life of the churches.<sup>10</sup> These teachers and preachers seem to have existed even before the formation of the hierarchy. For thus we read in the Didache:

"Elect for yourselves, therefore, bishops and deacons worthy of the Lord, humble men and not lovers of money, truthful and

7. *Id.*

8. Rom 16:1-16, 21-23.

9. Gal 3:28

10 Adolf Harnack, *The Mission and expansion of Christianity*, New York 1962  
P. 335.

proven; for they also serve you in the ministry of the prophets and teachers. Do not therefore despise them; for they are your honourable men together with the prophets and teachers..."<sup>11</sup>

They were not elected by the churches, as were bishops and deacons elected. "And the Lord has appointed in the church, first apostles, second prophets, third teachers, then workers of miracles ..."<sup>12</sup> The Acts gives a capital idea of the way in which this divine appointment is to be understood in the case of the apostles:

"Now in the church at Antioch there were prophets and teachers, Barnabas, Symeon who was called Niger, Lucius of Cyrene, Manaen a member of the court of Herod the tetrarch, and Saul. While they were worshipping the Lord and fasting, the Holy Spirit said, "set apart for me Barnabas and Saul for the work to which I have called them". Then after fasting and praying they laid their hands on them and sent them off."<sup>13</sup>

These two laymen were despatched by the Holy Spirit as missionaries. We may assume that in other cases also the apostles could fall back on such exceptional commission.

In the words of Origen (C. 248):

"Christians do all in their power to spread the faith all over the world. Some of them accordingly make it the business of their life, to wander not only from city to city but from township to township, and village to village, in order to gain fresh converts to the Lord. Nor could one say they do this for the sake of gain, since they often refuse to accept so much as the bare necessities of life..."<sup>14</sup>

According to Eusebius of Caesarea (C. 300)

"Very many disciples of that age (sub-apostolic period) whose heart had been ravished by the divine word...divided their goods among the needy. Then they set out on long journeys, performing the office of evangelists, eagerly serving to preach Christ to those who as yet had never heard the word of faith, and to deliver to them the holy Gospels. In foreign lands they simply laid the foundations of the faith. That done, they appointed others as shepherds, entrusting them with the care of the new growth, while they themselves proceeded

11. Jurgens, *op. Cit.* P. 4, 12. I Cor. 12: 28. 13. Acts 13: 1-3.

14. Harnack, *op. cit.*, p. 347-48 (*Contra ceis.* III, IX).

with the grace and cooperation of God to other countries and to other peoples".<sup>15</sup>

Apart from these itinerant apostles, the Didache mentions the existence of teachers as a special class within the churches.<sup>16</sup> Their ministry was the same as that of the prophets, a ministry of the word. We have several examples of such eminent teachers who were laymen — Pantenus, Origen, Tertullian, Justin, Tatian and others who travelled from place to place to combat heresies, wrote volumes in defence of the faith and even set up schools in larger towns to thwart the efforts of the heretical schools.

Some of these teachers were privileged to speak during the service, although they did not belong to the clergy. They did so till the clergy came to possess the qualification of teachers and assumed the task of education and instruction in the church. After the middle of the third century, nearly all the teachers of the church were clerics while the instruction of the catechumens was undertaken either by the bishop himself or by a priest. The organizing of the catechetical system gradually put an end to the office of independent teachers.

Yet the chief credit for the spread of Christianity in the first three centuries is greatly due to the itinerant apostles, preachers, teachers and martyrs who were to a great extent laymen and women, filled with loyalty and courage.

#### *The early Middle Ages*

In the early Middle Ages a dualistic concept of membership in the church was introduced into the theology and ecclesiastical structures. The 'laos' of God became laity under the clergy. Gratian's decretal speaks of "duo sunt genera Christianorum" namely, the clergy and the laity. The biblical and the theological understanding of the laity as a chosen people with equal dignity and co-responsibility gave way to a social and feudal understanding of the laity as a social category. They were considered a dependent and educationally ignorant section of the society.

The ecclesiastical legislations — administrative, sacramental, judicial and penal systems — further affected the laity adversely. They soon came to be identified as the mass of believers who were not among the sacred elite. In this climate of the division of the

15. Ibid., p. 349 (H. E. III. 37).

16. Didache XIII 2, XV 1-2.

laos' into clergy and laity, Christianity underwent a great institutional change. The laity became the object of pastoral care and not the agents of missionary proclamation. Even in liturgy they were reduced to a secondary or even passive state. The role of the laity was to render financial assistance to the spiritual benefits received from the clergy.

The people were supposed to be consulted in the election of bishops and priests. But for the most part, the form of collaboration consisted of an acclamation of the candidate proposed. The people were also supposed to be consulted in the possible transfer of a bishop to another see or his deposition. But in the case of the deposition of a bishop the people were simply overlooked. The emperors especially often intervened in the election of bishops without regard for the right of the laity. The Synod of Laodicea (343) disapproved the participation by "the crowd" in the choosing of the clergy.<sup>17</sup>

More and more the notion prevailed that the right 'to teach' had to be reserved to the clergy. Thus lay preaching virtually ceased. Pope Leo I (440-461) expressly forbade it and extended the prohibition to monks also, even if they had a certain level of education.<sup>18</sup>

We may briefly examine some of the important causes for this change in the previous position of the laity within the church. With the end of the persecutions the very intense union which existed between the laity and the clergy became less intensive. The expectation of martyrdom too was relaxed everywhere. The glory of martyrdom now passed on to asceticism and monasticism which were considered to be unbloody martyrdom. Monasticism with its outlook of keeping itself aloof from "the world" promoted the idea that the effort to work out one's salvation directly in the world is doubtful in principle. Thus those who joined the monastery, unintentionally created a clear distance between themselves (monks) and the mass of believers. Thus came the division of Christians into "tria genera hominum", — pastors (priests), continentes (religious) and conjugati (laity) — which Origen and Augustine had based on the models of Noah, Daniel and Job.<sup>19</sup>

17. Hubert Jedin (ed.), *History of the Church*, New York, 1980. II, p. 335.

18. Id.

19. Encyclopedia of the Early Church, Ed. by Angolo di Berardimo. James Clarke & Co., Cambridge. 1992. I, p. 477.

This distinction became more precise in the fourth century and found its fixed place in the law. Further, because of the differentiation of functions and still more because of the expansion of its tasks and authority in the care of souls, the clergy gained such power and public respect that the previous position of the laity could not remain uninfluenced by it.

Another cause of the depreciation of the laity was the accumulated bestowal of privileges on the clergy and the monks after the conversion of Constantine. Later enactments resulted in distinguishing the clergy from the laity by the type of life (celibacy), the wearing of a special dress etc. The clergy thus stood aloof from the ordinary Christians whose life was considered more carnal.

On the contrary, the Christian leaders inspired the respect of the Barbarians who invaded the West and became the object of the Church's mission. For these primitive peoples, the religious character of a priest or bishop was a spontaneous motive for veneration. Perhaps, there was also the fear that, as trustees of supernatural powers, the men of the church might do some harm to them. These sentiments were to endure not only throughout the early Middle Ages but even in later years. The privileges and the prerogatives of the clergy and of the church were never called into question. This reverence further enhanced the ascendancy of the clergy.

Another reason for the clerical ascendancy was the political administrative tasks performed by the clergy. The Barbarian princes were more used to fighting on the battle field than sitting at the administrative desk. The church possessed such personnel among whom, she maintained a minimum of culture; in order to say mass it was at least necessary to be able to read Latin. It is highly significant that the word which describes the one who knows how to write, the scribe, is also that which describes the churchman: Clerc in French, Clerk in English and Clericus in Latin.<sup>20</sup>

When Charlemagne wanted to reconstitute the administrative personnel in his state, he turned to the clergy for help.<sup>21</sup> The authority of the clergy thus lay not only in their religious character, but also in their intellectual ability before an ignorant, illiterate laity.

20. Daniel-Rops, *The Church in the dark Ages*, London 1960, p. 262-263.

21. Ibid., p. 263.

From the period of the Barbarian invasion upto the tenth century, the Christian community (including the clergy) were very far from shining examples of faith and morals. It no longer possessed the vigour and purity that was revealed during the heroic period of the persecutions. Longstanding habits of evil had considerably eaten into its faith and morals. As Christianity penetrated deeper into the pagan society, it became hard for it to resist the temptations to adopt some of the pagan habits. The life-style of many Christians of those days produced in some pastors a rather skeptical evaluation of the laity.

This barbarization was transferred to the intellectual field as well. The Cathedral and Monastic schools could not cater to the great majority of the newly converted population. Until almost the eleventh century there were no educated laity, no general education for layman; whatever education there was, was in the hands of the clergy and almost wholly for their own benefit. The Chanceries and offices of the kings and emperors were staffed by clerics, not by laymen. The political government in the Middle Ages was ecclesiastical in character and political thought was overwhelmingly shaped by theses centered on Christ.<sup>22</sup>

The educated clergy became the bearer of intellectual movements which were to give ninth century its complexion. The frequency of Frankish Councils after the death of Charlemagne testifies to the awareness of the episcopacy as the leading factor in Christian society. The numerous episcopal synods from 816 onwards buttressed the papal theories and at the same time began to undermine the royal theocratic form of government. The participants were mostly episcopal: the lay element had no means of making its standpoint clear, even if there were an educated laity (which, of course, was not the case).<sup>23</sup> Moreover, the royal advisers were exclusively clerical. On the King's side there was nobody who had the necessary intellectual calibre to construct some royal lay thesis against the theocratic kingship propounded by the clerics.

The allegorical manner of expressing the relationship between the clergy and the laity during this period was the metaphor of the soul and body. The anima-corpus allegory was adduced

22. Id.

23. Walter Ullmann, *Medieval Political thought*, England 1979, p. 14.

a hundredfold to show the inferiority of the laity and the superiority of the clergy, to show that, just as the soul ruled the body, so the clergy ruled the laity. As Cardinal Humbert of Silva Candida in the mid-eleventh century stated, the kings were the strong arms of the clergy, for the clergy were the eye of the whole church who saw what was to be done.<sup>24</sup>

From the late Middle Ages down to the Renaissance "litteratus" was synonymous with "cleric", whereas the synonym for the laity was 'illitteratus' or 'idiota' (a simple person, one who cannot explain things).<sup>25</sup> Even there were people who argued that "laicus" came from "lapis" (stone) as they had minds as hard as stone. Innumerable were the texts which likened the laity to night while the clergy to day; the clergy to heaven, the laity to earth; the clergy to soul, the laity to the body; the clergy to angels, the laity to beasts of burden (*jumenta, laicorum genus bestiale*) etc.<sup>26</sup> But we should bear in mind that all these comparisons did not have the pejorative sense they have today. Yet they stand as proof that the laity were allotted a much lower place.

In all these thoughts and developments we find a gradual formation of a gradated society, namely, a clergy amply endowed with recognized privileges, and a society subject to the priesthood, and finally a priesthood equating itself to the "Holy Church" and possessing all authority.

Thus we find a crucial distinction between the members of the church, namely, the clergy and the laity. The primitive democracy of an eschatological vision had gone. The congregation lost its freedom. The laity in this situation had nothing but to obey. The ideals of the Gregorian reform in the eleventh century strengthened this dualistic concept of the Church.

#### *The high and late Middle Ages*

During the period from 1050 to 1300 there took place a series of conflicts between Kings and Popes. Since both clergy and laity constituted the church, the problem of the relations between the two formed an essential topic for discussion during this period. Clergy and laity were epitomized Priests and Kings and focalized as priesthood (*sacerdotium*) and Kingship (*imperium*).

24. Ibid., p. 81

25. Ibid., p. 101.

26. Yves Congar, *Priest and Layman*, London 1967, p. 243.

27. Id.

The tension and opposition was no more between the church and the world, as in the past, but, was in the church itself, between the spiritual and the secular, the consecrated and the unconsecrated. In the course of these conflicts far-reaching claims were brought forward on behalf of both the temporal and the spiritual authorities. In the developments of this period the ruler represented the entire laity.

### *Lay interference in Church affairs*

The duty of the King to protect the Church and guard the true faith often gave him an excuse for interfering in purely ecclesiastical matters. He often monopolized the nomination of episcopal Sees and forced upon the electors candidates of his own choice. He convoked synods, erected new dioceses, appointed bishops and abbots, installed them in office and deposed them at his will. The Kings also alienated monastic and church properties as he liked. Even the See of Peter had too often been at stake; and the majority of the popes of the tenth century had been creatures of ambitious aristocrats or even of licentious women.

The kings of the high Middle Ages acted on a theocratic idea of kingship and based their claim on Rom. 13:1-2: "Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God. Therefore he who resists the authorities, resists what God has appointed, and those who resist will incur judgement" or again; "Fear God, Honour the King" (1 Pet. 2:17).

The Popes, on the contrary, quoted Mt. 16:18-19: "You are Peter and on this rock I will build my church... whatever you bind on earth shall be bound in heaven..." The Popes recalled the theory of Pope Gelasius (492-96) who defined explicitly the relationship of priestly power to royal power. In a letter to the Eastern Emperor Anastacius he declared:

"Two there are, august emperor, by which the world is chiefly ruled, the sacred authority (*auctoritas*) of the priesthood and the royal power (*potestas*). Of these the responsibility of the priests is more weighty in so far as they will answer for the kings of men themselves at the divine judgement."<sup>28</sup>

The Popes believed that Kings and Princes derived their authority from the Pope and that he could excommunicate or depose them. Since the emperor was a Christian, he was subject to the Papal jurisdiction not only as a private person, but precisely as an official. The Pope intervened in secular powers due to its coercive power, *ratione peccati*. Innocent III made it clear in the Fourth Lateran Council:

"Just as we do not want the laity to usurp the rights of clerics, similarly we must see to it that clerics do not claim the rights of the laity".<sup>29</sup>

Gregory VII asserted in unequivocal terms the infallibility of the Pope in his "Dictatus Papae" (1075):

"That the Roman Church has never erred, nor ever, by the witness of scripture, shall err to all eternity".<sup>30</sup>

In his struggle with King Philip IV of France, Boniface VIII condemns in his famous "clericis laicos" the high-handed activities of the king disregarding the ecclesiastical laws:

"... That laymen have been very hostile to the clergy antiquity relates; and it is clearly proved by the experiences of the present time. For not content with what is their own, the laity strive for what is forbidden and loose the reins for things unlawful".<sup>31</sup>

And finally Boniface declares in his "Unam Sanctam" (1302):

"Therefore we declare, state, define and pronounce that it is altogether necessary to salvation for every human creature to be subject to the Roman Pontiff".<sup>32</sup>

All these arguments and threats were of little use to convert Philip and his ministers who attacked the Pope physically. This does not mean that all the laity were against ecclesiastical authorities, but the general trend was one of animosity. The kings had the additional advantage of the advice of eminent lawyers (laymen) trained in the University of Bologna. The attitude of the laity towards the clergy during this period was greatly modelled on the reaction of the ruler who could mobilise the masses.

This period also produced a lot of literature which injured the cause of the church in the eyes of the laity. The works of

29. Brian Tierney, *The crisis of Church and State*, (1060-1300), New Jersey 1664, p.13. 30. Jedin, *op. cit.*, IV p. 142.

31. Brian, *op. cit.*, p. 49-50.

32. *Ibid.*, p. 189.

Marsiglio of Padua and of William of Ockam in the fourteenth century developed a purely individualist and representative theory of the church. The Church, according to them, is only the sum total of faithful individuals. The Council and the Pope are only representatives of the faithful who can, as such, judge them. Thus the laity were put on the same level with the clergy. As scholasticism encouraged learning and important developments were taking place in the field of theology, philosophy and classical learning, the laity were no more 'lapis' or 'asinus' and were much influenced by the movements of the times.

The 'Babylonian captivity' of the Papacy in Avignon (1309-1378) and the Western schism (1378-1417) prove the lay domination of the church. In the Council of Constance which ended the schism, out of about seventy thousand participants at different levels over fifty thousand were laymen. The laity were no more a dormant entity in the church!

The heresies of this period especially the Cathars and the Waldensians, were radical reactions of the laity against the luxury, avariciousness and moral laxity of the clergy. They were silenced and suppressed by the hierarchy. The Reformation started by Luther (1517) swept the whole of Europe like a hurricane mainly on account of the participation by the discontented laity.

Yet one should not overlook the positive contribution of the laity for church life and their participation in the pro-faith movements of this period. To mention only a few — the crusades were great military campaigns undertaken by Western Christians mostly under the leadership of lay rulers. Although the dissipation of the movement and the divergent aims of the participants made it a colossal waste in men and money, the crusades stand out in history as a monument to the Faith, bravery and heroism of the laity. It brought forth a religious idealism among the Western Christians.

If the crusades were directed against the infidels, there was another type of enemies within the church, namely the heretics. Popes Alexander III in 1163 and Clement III in 1208 called upon the faithful in all the countries and the rulers, especially the king of France, to combat the heretics and to suppress heresy. The faithful took active part in the campaign with barbarous cruelty on both sides and the power of heresy had been broken by the year 1229 (peace of Paris).

The laity also were taken into confidence in administrative matters. Laymen were employed as collectors of tithes, as agents and bailiffs for cathedral chapters, as lawyers to represent church interests in the secular courts, and as bankers for the papacy and lesser ecclesiastical units. Lay intrusion was particularly strong after 1300, for the canonists and theologians failed to deal with the problems generated by the economic changes of the time. In all the major conflicts there were laymen and clergy on both sides. Mutual interests and prevailing opinion drew church and state together. In the last resort the church depended on the lay powers for the enforcement of its "rights", the 'liberatas Ecclesiae'.

The laity had also some function within the sacramental system, esp. in the administration of the sacraments of matrimony, baptism etc. The office of preaching was rigorously forbidden to laymen, the more especially women. Yet we find a number of lay movements to promote pastoral care, popular piety and mystical theology. The coming of age of the laity brought along a great yearning for education and the religious interest that was aroused had to be met more fully and more deeply. Many religious houses for men and women were founded. The lead in such movements of the thirteenth century was taken by German mystics such as Meister Eckhart, John Tanler, Henry Suso and others. Their writings filled the void in literature of the Middle Ages which never treated the role of the laity within the church.

Throughout the medieval period there were definite modifications in the status and influence of the laity within the church. The most marked change is noted after 1300, when lay hostility to the papacy, anticlericalism and a lay spirit emerged. Contact with Renaissance and Humanism, the growth of the national state, the philosophical skepticism of nominalism, the spread of lay education etc., made the period from 1300 to 1500 an age of transition. But Canonists and Theologians failed to note these changes. The great councils merely repeated earlier prohibitions and in doing so increased the gap between the laity and the clergy. On the eve of the Reformation, the Fifth Lateran Council (1512-17) had nothing to say concerning the social and religious aspirations of the masses.

The great merit and achievement of the medieval Church was that it enabled it to inspire the masses to fervour and enthusiasm. But its negligence in directing these emotions into worth-

while and respectable objectives and, especially, its failure to educate the laity were serious defects for which the church had to pay a heavy price in the years that followed.

### 3. Modern Period (1517-1965)

The condition of the laity changed considerably with the birth of the modern world. Until then, the princes, who had inaugurated and founded Christendom, were practically the only laymen to be active in the service of the church. But when the age of criticism began, a secular world was founded outside the church and face to face with the church. Humanism, Reformation and the French Revolution brought in a new organisation of the political world. There was also a broadening of horizons through new discoveries and a transition of outlook beyond the borders of the Christian world. These factors produced an epoch of emancipation and the world was set free from the church tutelage and became conscious of its own intrinsic value and autonomy. For the first time in the course of its history, the Church was confronted with the world in the full sense of the word.

Lay missionaries and lay apologists like Paschal, Chateau briand, Joseph de Maistre, Montalembert rose up in defence of the traditional values held sacred by the church and to fight it out in the various fields where it was fought. The first reaction of the clergy in this encounter was hostile. Most of these laymen had to overcome bitter criticism from the clergy. Gradually the clergy realised that it can no longer hold on without the laity. The revolutions in Italy in the middle of the 19th century and the loss of the Papal States at the hands of Mussolini and Cavour were all indications that the old order had changed giving way to the new.

The Popes of the 20th century were men of great vision. Pope Pius XI started Catholic Action to associate the laity in order to befriend the world and to diffuse catholic principles in moral, social and economic life. The idea that the laity should act as salt of the earth and light of the world was insisted upon. Like Chrysostom and Augustine the Popes insisted on the exemplary day-to-day christian life which would more easily convert a pagan to christianity than by any theological argument. The laity could reach their fellow-christians and non-christians and help them and instruct them more easily than the official preaching of the church.

On January 25, 1950 Pius XII declared: "Indeed, experience has shown that the life of the Church must make use of all the energies and resources at its disposal; it has proved to be precious that the contribution of the laity can be for preserving our spiritual heritage and for diffusing, by up-to-date methods, the light of the Gospel among individuals and peoples".<sup>33</sup> The Pope openly declared that the relations between the Church and the world require the intervention of lay apostles. The consecration of the world is essentially the world of the laity.

II Vatican Council is an important turning point as regards the role of the laity in the mission of the church. Its dogmatic constitution on the church (*Lumen Gentium*), the Pastoral Constitution on the Church in the modern world (*Gaudium et Spes*) and the decree on the apostolate of the laity (*Apostolicam Actuositatem*) reaffirm that the laity share in the priestly, prophetic and royal office of Christ and they have to carry out their manifold apostolate both in the church and in the world.

It is now the duty of the hierarchy to take the laity into confidence, to educate them and make them aware of their obligation to their apostolate and honestly associate them in all the spheres of Christian life and apostolate.

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33. The Clergy Monthly, XIV (1950), no. 7, p. 259.

# Lay Christian Faithful in the Oriental Code

In this article the author discusses the role of the laity as presented in the Code of Canons of the Oriental Churches (CCEO). A unique characteristic of CCEO is that it differs from the Code of Canon Law (of the Latin Church) in its definition of 'laity' and the role assigned to them in the governance of the Church. CCEO provides adequate forums in patriarchal, eparchial and parochial assemblies (*conventus*) for laity to voice their opinion to the pastors and their fellow christians on matters pertaining to the good of the church. This may be regarded as an improvement on CIC and a positive step on the part of the Church towards the conciliar process within it.

## Introduction

The new Code of Canons of the Eastern Churches (CCEO) deals specifically with lay persons in title XI with 11 canons (CCEO cc. 399-409). Title I (CCEO cc. 7-26) presents in general the rights and duties of all the christian faithful. Also many other canons in the code concern the laity. The discussion on laity in Title I of the CCEO is almost identical to the corresponding canons of the Latin Code (CIC cc. 204-208). The Oriental Code follows the discussion pattern on the laity in a literal fidelity to the document on the Church of Vatican II. The former Oriental Law (Motu Proprio - *Cleri Sanctitati*) on the laity had only 3 canons (CS cc. 527-529).<sup>1</sup> The canons of the new Code on laity are entirely new compared to *Cleri Sanctitati* and mainly the sources of these canons are the documents of Vatican II.

### 1. The Title "Laity"

Though the term laity is used in many canons of both Oriental and Latin Codes, the term lay christian faithful seems to

1. *AAS* 49 (1957) 592-597: Can. 527 affirms the rights of the laity to receive spiritual benefits from the clerics; Can. 528 speaks that the work of the laity is to assist the Church to defend its rules and social doctrine of the Church; and Can. 529 prohibited the laity in wearing ecclesiastical habit.

be more theological and comprehensive. In fact, clerics, monks, religious and laity are in the Church 'christian faithful' and are being incorporated into Christ through baptism. They all together constitute the people of God participating in their own way in Christ's priestly, prophetic and royal functions. All of them are called to exercise the mission which God has entrusted to the Church for fulfilling in the world according to their condition proper to each.<sup>2</sup>

## 2. The definition of lay christian faithful

The Oriental Code defines lay christian faithful in can. 399. It reads as follows: "In this Code the term lay persons refers to the christian faithful for whom secularity is proper and specific and who, living in the world, participate in the mission of the Church, and are not in holy orders nor enrolled in the religious state".<sup>3</sup> Such a positive definition of the laity is not presented in CIC. CIC c. 207, n.1 makes a fundamental distinction between clerics and lay people. Clerics are those who are ordained as deacon, priest or bishop. According to CIC c. 207, n.1 all others are lay people. The description of the laity by CCEO speaks clearly on their secular and specific character, which is proper to them alone. By this definition, they are distinguished from clerics and religious.<sup>4</sup>

To understand the notion and theological nature of the laity in the Church, it is relevant and useful to understand the notion and nature of christian faithful. The Church is the gathering of the people of God. The people of God are composed of the christian faithful, who are 'fundamentally equal' by their baptism and 'functionally unequal'<sup>5</sup> by their distinct ministries within the Church. The people of God, whether they are clerics or religious or laity, are all christian faithful, and each and every one has an essential part in the overall mission of the Church. CCEO c. 7, n.1 and CIC c. 204, n.1 are identical and are fundamentally important from a theological point of view. The formulation of both these canons are based on LG 31, the conciliar text which intends to define the laity.

2. CCEO c. 7, n. 1.

3. The translation of the canons on laity is taken from G. Nedungatt, "The New Oriental Canon Law on Lay People", *Vachanadharma* 9 (1991) 15–21.

4. Victor J. pospishil, *Eastern Catholic Church Law*, New York, 1993, p. 221.

5. The Canon Law Society of Great Britain and Ireland, *The Canon Law—Letter & Spirit*, London, 1995, p. 115.

Through baptism the christian faithful are incorporated into Christ and His body which is the Church. The incorporation into Christ and into the Church pertains to the sphere of grace and it expresses at the same time the visible and invisible mystery of Christ. It will be opportune to underline the pneumatological element in the definition of lay christian faithful of CCEO. According to oriental theology, 'the christian faithful are those who are being regenerated and incorporated into Christ through baptism and are enriched by the gifts of Pentecost through the sign and gift of the Holy Spirit in the sacrament of chrismation with the holy myron (confirmation), and they are constituted the people of God, thereby sharing in the sacerdotal, prophetic, royal functions of Christ, according to the gifts and charism of the Holy Spirit'<sup>8</sup>. Thus, lay christian faithful are those who have been incorporated into Christ through baptism and enriched by the seal of the gifts of the Holy Spirit. They are constituted as the people of God for whom the secularity is proper and peculiar, participating in their own way in the priestly, prophetic and royal functions of Christ in the Church. They are called to exercise the mission of God entrusted to the Church by living in the world and exercising it according to each one's circumstance.

### 3. The Charter of their Rights and Duties

For the first time in the history of canon law CIC and CCEO present a list of fundamental rights and obligations of all christian faithful, lay persons as well as clerics and religious. They are incorporated into the Codes *verbatim* from the *Lex Ecclesiae Fundamentalis*<sup>7</sup> (Fundamental Law of the Church). Strictly speaking, 'only those fundamental rights that derive from baptism can be described as fundamental rights of the christian faithful'.<sup>8</sup> They are enumerated in CIC cc. 208-223 and in CCEO cc. 11-26. According to CCEO c. 400, the laity enjoy all the rights and obligations common to all faithful, those which are determined in other canons, especially those in Title I (CCEO cc. 7-26) and the rights and

6. Dimitrios Salachas, *Instituzioni di diritto canonico delle Chiese cattoliche orientali*, Roma & Bologna, 1993, p. 292.

7. It was a dream of Pope Paul VI to have a constitutional law of the Church, containing the basic principles and rules governing all its law, applicable to both Latin and Oriental Churches. For details ref. *Communicationes* 12 (1980) 33-34.

8. E. Caparros, M. Theriault, J. Thorn (ed.), *Code of Canon Law Annotated* Montreal, 1993, p. 190.

obligations enumerated in Title XI of the CCEO (cc. 400-409). The charter of rights and obligations of the laity can be summarised as follows:

**1) The specific vocation of lay persons**

The special vocation of lay christian faithful is to seek the kingdom of God by carrying out, regulating and perfecting the temporal affairs according to God's will. It is their distinctive task to renew the temporal order (cf. c. 401).

**2) Defending and safeguarding the civil rights**

The Lay christian faithful have the same civil rights and freedom as all citizens on this earthly city. They have the right to have this fact accepted and acknowledged by the competent civil authority. When they exercise this freedom they are to be guided by the spirit of the Gospel (cf. c. 402).

**3) Preserving their rites and actively involving  
in the liturgical celebrations**

All lay christian faithful have the right and obligation to preserve everywhere their own rite. They also have the right to participate actively in the liturgical celebrations of any other Church *sui juris*<sup>9</sup> (cf. c. 403, n. 1). Their right for active participation in the liturgical celebrations of any other Church *sui juris* derive from their share in the common priesthood through baptism.<sup>10</sup> They may be also deputed as lay minister of Eucharist. This active participation in the liturgical celebrations of another Church *sui juris* does not change their ascription to their own Church *sui juris* but they remain enrolled in their own Church (cf. c. 38; CIC c. 112, n.1).

**4) Co-operating in the ecclesiastical Governance**

CCEO c. 403, n. 2 speaks about giving a share to lay christian faithful in ecclesiastical governance. If the needs of the Church and genuine utility recommend so, the laity can be entrusted by competent authority to discharge certain functions of the sacred ministers. It may be a reaffirmation of what Pope John Paul II in

9. The term Church *sui juris* in CCEO stands for a group of Christian faithful united by a hierarchy according to the norm of law which the supreme authority of the Church expressly or tacitly recognizes (cf. CCEO c. 27). Accordingly, the four grades of *sui juris* Churches in CCEO are the following: Patriarchal, Major Archiepiscopal, Metropolitan and Other Churches (CCEO cc. 55-176). The Latin Church also is an Ecclesia *sui juris* (cf., CIC cc. 111, 112).

10. S.C., 14.

his apostolic exhortation *Christifideles laici* (lay christian faithful) wrote. It reads as follows: "When necessity and expediency in the Church require it, the pastors, according to established norms from universal law, can entrust to the lay faithful certain offices and roles that are connected to their pastoral ministry but do not require the character of orders ... The task exercised in virtue of supply takes its legitimacy formally and immediately from the official deputation given by the pastors as well as from its concrete exercise under the guidance of ecclesiastical authority<sup>11</sup>. How far this sharing in ecclesiastical governance with the laity is executed in the Oriental Churches is yet to be studied<sup>12</sup>. CCEO suggests the following areas and functions open to the laity: In extraordinary circumstances, eparchial bishop may give mandate to lay christian faithful to preach even in church (c. 610, n. 4). In case of necessity baptism can be administered by the laity (c. 677, n. 2). They can be permitted to distribute the Divine Eucharist (c. 709, n. 2). Thus, they can co-operate in the exercise of the power of governance in accordance with the norm of law (c. 979, n. 2).

#### 5). *Sharing in the prophetic function of the Church*

Lay christian faithful have an important share in the prophetic function of Christ. It is their right and obligation to share in the apostolate of evangelization by their life, witnessing, announcing and defending the revealed doctrine of the Church. It presupposes their right and obligation to have catechetical instructions and the possibility of acquiring a christian knowledge suitable to their capacity and condition (cf. c. 404, n. 1). They also have the right to acquire that fuller knowledge of sacred sciences by attending classes and obtaining degrees from ecclesiastical universities or faculties or in the institutes of religious studies (cf. c. 404, n. 2). No longer are the sacred sciences to be the domain of clerics and religious. If the lay christian faithful have the required suitability they may be duly authorised by the authorities concerned to teach in theological schools and faculties (cf. c. 404, n. 3).

#### 6) *Safeguarding their Oriental patrimony and promoting unity*

Lay persons should study carefully and esteem the patri-

11. John Paul II, apostolic exhortation *Christifidelis laici*, n. 23: AAS 81 (1989), 429–430.

12. The Syro-Malabar Major Archiepiscopal Church is in the process of dra-

mony of their Church *sui juris*. At the same time they should extend mutual respect and promote unity of action among the laity of different Churches *sui juris*. They should see that the variety of rites does not harm the common good of the society in which they live (cf. c. 405). Lay christian faithful should know that 'the entire heritage of spirituality and liturgy, of discipline and theology in the various traditions, belongs to the full catholic and apostolic character of the Church'.<sup>13</sup> The laity should consider this variety of patrimonies in the Church as complementary rather than conflicting, and they should endeavour to promote unity in their actions.

### 7) Apostolic activity of the laity within the Church

The task of evangelization is the responsibility not only of the hierarchy or the religious but also of the laity. The laity not only have the obligation to spread 'the divine message of salvation'; they also have the right to do so. This obligation has a greater impelling force in those circumstances in which people can hear the Gospel and know Christ only through them (cf. cc. 406; 14). The fathers of II Vatican Council declare that 'the laity are called in a special way to make the Church present and operative in those places and circumstances where only through them can she become the salt of the earth. Thus every lay person, by virtue of his/her very gifts, is a witness and living instrument of the mission of the Church'.<sup>14</sup> It shows their proper 'secular charism' living in their own conditions in the world, in the evangelization of the nations.

### 8) Marriage as specific vocation

The Pontifical Commission for the Codification of Oriental Canon Law, in their discussion *on the laity* felt that to leave out a norm on the matrimonial life and its related conjugal responsibility may not be justifiable, considering the fact that a vast majority of the lay christian faithful is called to perfection in and through their married life.<sup>15</sup> The laity are called to work for the building up of the people of God through their marriages and their families. It is their specific vocation (cf. c. 407). It is a legal articulation of *Lumen Gentium*, n. 41. The relevant passage reads as follows: "Married couples and Christian parents should follow their own proper path to holiness by faithful love, sustaining one another in

fting the particular law on *palliyogam* (ref. *Synodal News* 3, 1994, pp. 157–158). For details see the article by Prof. K. T. Sebastian in this number,

13. *U.R.*, 17. 14. *L.G.*, 33.

15. *Nuntia* 13 (1981) pp. 112–115

grace throughout the entire length of their lives. They should imbue their offspring, lovingly welcomed from God, with christian truths and evangelical virtues. For thus they can offer all men an example of unwearying and generous love, build up the brotherhood of charity, and stand as cooperators in the fruitfulness of Holy Mother Church".

### 9) Participating in the power of governance

The laity who are outstanding in the required knowledge, experience and uprightness are eligible to be heard as experts or consultors by the ecclesiastical authorities. They may be heard as individuals or as members of various councils and convocations, in the parochial, eparchial or patriarchal levels (cf. CCEO c. 408, n. 1). The technical term 'eligible' or 'capable of' (*habiles sunt*) indicates that 'the reference is to the capacity, not the strict right, of the laity to participate in the functions in question here'.<sup>16</sup> But they have "legally the required qualification. All persons who are qualified to teach, for example, are not necessarily to be employed as teachers. So too, not all qualified lay people can or need be heard".<sup>17</sup> But their eligibility or capacity 'is activated when they are selected to be heard... thereafter however they have the same right to be heard as any other lawful participant'.<sup>18</sup>

CCEO provides the possibility for the participation of lay christian faithful in the assemblies at patriarchal (cc. 140-145) and eparchial(cc. 235-242) levels, in the finance councils at the eparchial (cc. 262-263) and parochial (c. 295) levels, in the pastoral councils at eparchial (cc. 272-275) and parochial (c. 295) levels. The post of finance officer at patriarchal (c. 122, n.1) and eparchial (262, n. 1) levels also are open to them.

Besides those ecclesiastical offices to which lay persons are by common law admitted, they may be also appointed by a competent authority to other offices, excepting those which require holy orders or which by the particular law of their own Church *sui juris* are expressly forbidden to lay persons (c. 408, n. 2). Lay persons may be given certain ecclesiastical offices if they are appropriately

16. The Canon Law Society of G B & I, *The Canon Law Letter & Spirit*. p.129

17 George Nedungatt, S. J., "A Campanion to the Eastern Code" *Kanonica* 6 (1994), Roma, p. 133.

18. The Canon Law Society of G B & I, *The Canon Law Letter & Spirit*, p.129

qualified for the offices in question. CCEO provides the possibility of appointing suitable laity in the following governing offices of the Church: Judges in the eparchial tribunal (c. 1087, n. 2), auditor in the eparchial tribunal (c. 1093, ns. 1-2), promoter of justice and defender of bond(c.1099, n. 2), assessors in a single judge trial(c.1089).

#### **10) Adequate formation and just remuneration**

Lay persons who devote themselves permanently or temporarily to some special service of the Church are obliged to acquire the appropriate formation. It is required to fulfil their function properly. They have to perform it conscientiously, zealously and diligently (cf. c. 409, n. 1). It is a requirement that those lay persons who are engaged in the service of the Church must acquire the necessary knowledge and training. It will enable them to carry out their services according to the needs of the time and place. This formation need not be limited to the areas of christian doctrine and spirituality but open also to the areas of scientific and technical training with professional skill in accordance with the type of service they have to render in the Church.

The laity have the right to a decent remuneration suited to their condition, so that, with due regard for the prescriptions of civil law, they should be able to provide decently for their own needs and for those of their family. Similarly, they have the right for their pension, social security and health benefits (cf. c. 409, n. 2). Their right to appropriate remuneration and welfare benefits is fundamental. It derives from the Church's concern for respecting social justice, equity, charity<sup>19</sup> and worker's rights.

#### **Conclusion**

The canons on the laity in the Code of Canons of the Oriental Churches adequately portray the teachings of Vatican II and post-conciliar teachings of the Church on lay christian faithful. CCEO has not only innovated the canons on the laity from the former oriental law *MP Cleri Sanctitati* but also it has updated its norms meritoriously. When we find many similarities in the treatise on the laity in CCEO and CIC, we should bear in mind that both codes are legal articulations of the conciliar and post conciliar teachings of the Second Vatican council. Both codes express the

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19. A A 22.

laity's fundamental equality with all christian faithful—including the clergy and the religious — through the sacrament of baptism, and their common sharing in the priestly, prophetic and royal functions of Christ. Taking into account the functional inequality of clergy, religious and laity CCEO innovates the description on the laity in CIC (CIC c.207, n. 1) and calls the laity as 'those christian faithful for whom secularity is proper and specific' (CCEO c. 399). Synodal structure is a characteristic of the governance of oriental churches. CCEO provides adequate forums in patriarchal, eparchial and parochial assemblies for the laity to voice their opinion on matters pertaining to the good of the Church to the pastors and their fellow christians. It may be also an innovation on CIC. In giving due share to the laity in the governing functions of the Church CIC and CCEO have given enough legislative provision. How far they are translated into action in both Latin and Oriental Churches especially in India should be a challenge to the clergy.

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# The Role of the Laity in the Three-fold Functions of the Church according to 1983 Code

The 1917 Code of Canons defined the role of the laity in the triple functions of the Church of teaching, sanctifying and governing, in a very negative and passive way. Vatican II modified the notion of ecclesiastical office in such a way that the laity could be entrusted with some of these offices. The 1983 Code revised the actual role of the laity in the Church in the light of Vatican II, and spelt out their priestly, prophetic and pastoral roles with definite canonical provisions, and this is a significant advance towards a People's Church.

History testifies that Lay people played a significant role in the mission of the early church. But due to clericalism in the middle ages their role was reduced to a passive one. Vatican II restored the positive status of the laity. The 1983 code of Canon Law spelt out concretely the various possibilities of greater involvement of the laity in the three-fold function of the church. In this article we make a study of the offices and ministries available to the laity in the light of 1983 code.

## 1. The Laity and the Office of Governance

Canon 35/1 divides the power of governance into legislative, executive and judicial.

### 1. *Legislative power of Governance*

The diocesan Bishop is the sole Legislator in the Diocese (c. 371/2). Lay persons, who are called to a legislative session, (cc. 339, 443/4, 463) have the right and duty to express their opinions sincerely (c. 228/2). Their vote is only a consultative one. But the process of decision-making relies heavily on the consultative process for effectiveness.<sup>1</sup> The laity, by responsible participation

1. Cf. Robert Kennedy, "Shared responsibility in ecclesial decision-making", *Studia Canonica*, 14 (1980), pp. 5-23

in the legislative bodies, contribute a lot to the quality of the decision to be made.

### *2. Judicial power of Governance*

In the Diocese the Bishop exercises judicial power either personally or through others (c. 391/2). The judicial vicar, the associate judicial vicar and judges exercise judicial power by virtue of office. Lay persons, both men and women, could be appointed as judges on a collegiate tribunal (c. 1421/2). Lay persons, by being judges as such exercise truly judicial power of governance, not through delegation but by virtue of the office.<sup>2</sup> In the diocesan tribunals lay persons can serve as advocates (c. 1481), assessors (c. 1424), auditor (c. 1428), relators (c. 1429), promotors of justice (c. 1435), defenders of the bond (c. 1435) and notaries (c. 1437). It is understood that they are duly trained for these functions.

### *3. Executive power of Governance*

Lay persons are called to exercise delegated executive power of governance both at the diocesan and at the parish level by being members of diocesan pastoral council (cc. 511-514), diocesan finance council (c. 492), parish pastoral council (c. 536) and parish finance council (c. 537). Any lay person, who is an expert in financial matters and of truly outstanding integrity, can be appointed as the diocesan financial administrator (c. 494). Diocesan Chancellor and Vice-chancellor (c. 482) and notary (483) could be lay people.

## **II. The Laity and the teaching office**

Lay people are called upon to co-operate with the Bishops and priests in the exercise of the ministry of the word (c. 795).

### *1. Preaching and Homily*

Laymen can be installed in a stable manner as Lectors. Lay persons can receive temporary deputation to the role of Lector (c. 230). Lay persons are allowed to preach in a church or oratory in some circumstances when it is necessary or advantageous according to the rulings of the Episcopal Conference (c. 766). In India the C. B. C. I. has allowed competent lay persons to preach in the church if it is necessary or advantageous in some circumstances such as celebrating the liturgy of the word without a priest

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2. Cf. James H. Provost, "Role of Lay judges", *Jurist*, 45, (1985) p. 330-331

or a deacon. The code (cc. 767/1) has reserved homily to an ordained minister. But some propose that lay persons could be allowed to preach homily in some circumstances.<sup>3</sup>

## 2. Catechetical Instruction

The care for catechesis is the obligation of all the members of the church, of each according to his or her role (c. 774). The code points out the grave obligation of parents in forming their children in faith and christian living (cc. 226/2, 793). The family is the "domestic church".<sup>4</sup> The parents are the first preachers of faith to their children. By word and example they have to form their children in faith and christian living (c. 774/2). The clerics, the religious and lay members of christ's faithful are to help the parish priest in this catechetical ministry (c. 776).

## 3. Missionary activity

The pilgrim church is missionary by her very nature.<sup>5</sup> Hence the work of evangelization is a fundamental duty of all the people of God (c. 781). Missionaries may be clergy, religious or lay members of christ's faithful (c. 784). Trained catechists are to be employed for missionary activities (c. 785).

# III. The Laity and the Sanctifying office

The common priesthood of the faithful and the ministerial priesthood of the ordained, though they differ from one another in essence and not only in degree, are nonetheless inter-related.<sup>6</sup> The laity, as "a chosen race, a royal priesthood' a holy nation, God's own people" (1 Pet. 2: 9) exercise their common priesthood in many ways.

## 1. Baptism

The ordinary minister of Baptism is the Bishop, the priest and the deacon. If the ordinary minister is absent or impeded, a catechist or other lay person could confer Baptism licitly. In case of necessity, any person, who has the right intention, can baptize licitly (c. 861). Hence it is the duty of Parish Priests to instruct lay persons about the correct manner of baptizing. The parents and the sponsors present the child for baptism and help it to live a good christian life (c. 872).

3. Cf. Patrick F. Norris, "Lay preaching and Canon Law: who may give a homily", *Studia Canonica*, 24 (1996), p. 453.

4. Cf. *Lumen Gentium*, No. 11.

5. Cf. *Ad Gentes*, No. 2.

6. Cf. *Lumen Gentium*, No. 10.

## 2. Confirmation

Parents and parish priests are to see that children are properly instructed and receive confirmation at the opportune time (c. 890). The sponsors are to take care that children confirmed behave as true witness to Christ (c. 892).

## 3. Eucharist

The extraordinary minister for distributing holy communion is an acolyte, or another of Christ's faithful deputed according to the law (c. 910/2). In 1972 Pope Paul VI abrogated the minor orders and instituted the lay ministry of acolyte, among whose duties is that of distributing holy communion whenever ordinary ministers were not available or the number of communicants was great.<sup>7</sup> Lay people can be installed on a permanent basis as acolytes by a special liturgical rite. In the absence of a priest or deacon, an acolyte, a special minister of holy communion or another lay person deputed can be minister of exposition and reposition without benediction (c. 943). Lay persons can play the role of commentator and cantor during liturgical services (c. 230/2).

## 4. Orders

With the suppression of four minor orders and the institution of the lay ministries of Acolyte and Lector, lay persons can be installed as acolytes and lectors. They can receive a temporary deputation to the role of lector (c. 230).

## 5. Marriage

In the celebration of the sacrament of marriage the spouses themselves are the ministers and recipients of the sacrament, as they establish between themselves a partnership of their whole life (c. 1055/1) by their irrevocable personal consent lawfully manifested (c. 1057/1). The canonical form of the celebration of marriage requires for validity that the spouses exchange the consent in the presence of the official witness of the church and two other witnesses. The official witness of the church is the Local Ordinary or parish priest or the priest or deacon duly delegated by either of them. The church's official witness has the role of asking the spouses to manifest their consent and receive it in the name of the church (c. 1108). The 1983 Code, with some restrictions, allows lay persons to be delegated to act as official witness at marriage (c. 1112).

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7. Cf. Paul VI, *Ministeria Quaedam*, AAS, 64 (1972), 532-533.

First of all the conference of Bishops should vote for allowing individual Bishops to request the power to delegate lay persons. The CBCI, in the General Body meeting held at Kottayam in 1988, voted for allowing individual Bishops to request the permission of the Holy See to delegate lay persons to assist at marriages. Then the Bishop should request the permission of the Holy See to delegate a lay person chosen by him to assist at marriages within his territory. It should be noted that it is the Bishop who delegates the lay person and not the Holy See. However, the Bishop cannot validly delegate a lay person without the permission of the Holy See.\*

Lay persons can be given delegation for specific marriages or they can be given a general delegation, which is to be given in writing (c. 1111/2). The individual to be delegated, should be a suitable one, that is one who is a respected and exemplary member of the community. He or she should be able to conduct the pre-nuptial enquiry, give instruction on marriage and perform the marriage liturgy properly. In their role as official witness of the church they ask for and receive the consent of the parties. They can preside over the liturgy of the word. But they cannot bless the rings nor impart nuptial Blessing. They cannot grant dispensation from matrimonial impediments under any circumstances (cc. 1079-1081). Lay persons of experience and expertise such as doctors, lawyers, psychologists and exemplary couples could help the parish priest in his important task of preparing the faithful for marriage (c. 1064).

#### 6. *Sacramentals*

Lay persons, who are endowed with appropriate qualities can administer some sacramentals in accordance with the judgement of the Local Ordinary and the norms of the Liturgical Book (c. 1168).<sup>9</sup> Sacramentals such as the distribution of ashes on Ash Wednesday can be administered by lay Persons.

#### IV. Conclusion

By way of conclusion we would like to make an evaluation on the various provisions found in the 1983 Code for the greater involvement and participation of the laity in the governing, preaching and sanctifying office of the church.

8. Cf. Thomas P. Doyle, "Marriage", the Code of Canon Law A text and commentary, 1985, p. 795.

9. cf *Sacrosanctum Concilium*, No. 79.

The 1917 Code defined the laity in negative terms and their role was a passive one; it was almost a "paying, praying and obeying" role. The Second Vatican Council understands the church as "the people of God" and brings out the equality and dignity of all the baptized and their common responsibility in the mission of the church. By virtue of their baptism, the laity share in the priestly, prophetic and kingly functions of Christ in their own way. The council also points out the typically "secular quality" of the laity.<sup>10</sup> The 1983 code, closely following the conciliar understanding of the Church as the people of God, insists on the equality in dignity of all the Christian faithful and the interrelationship between the clergy and the laity (c. 208).

The 1917 Code restricted ecclesiastical office only to clerics. Vatican II modified the notion of ecclesiastical office in such a way that the laity could be entrusted with some offices.<sup>11</sup> Some conciliar texts explicitly state that the laity have the capacity of being appointed by the hierarchy to some ecclesiastical offices.<sup>12</sup>

In 1972 Pope Paul instituted the lay ministries of Acolyte and Lector. The 1983 code gives a broad definition of an ecclesiastical office (c. 145) and explicitly states the capacity of the laity to hold ecclesiastical offices (c. 228/1) which do not require the exercise of the power of sacred orders. In the new Code we find a number of provisions by which the laity could participate in the triple office of the church.

The new code as far as the laity is concerned is characterized by its transition from passivity to activity (cc. 225/1, 228/1), from non-recognition to recognition of vocation (cc. 225/2, 226), from absence to presence (cc. 212, 228/2, 511), from silence to expression (c. 212), from exclusion to inclusion.<sup>13</sup> If we carefully analyse the terms used for the participation of the laity in the triple office of the church, we see that the new code makes a shift from almost absolute and total exclusion to partial, hesitant, cautious and qualified inclusion of lay persons; for example, "can be admitted" (c. 767/1). Moreover, we note that the laity are included in

10. *Lumen Gentium*, No. 31

11. cf. *Presbyterorum Ordinis*, No. 20

12. cf. *Lumen Gentium*, no. 33; *Apostolicam Actuositatem*, No 24,

13. cf. Joseph K. Konry, "The limit of collaboration: the new legal language for the laity", *Studia Canonica*, 26 (1992) pp. 432-433.

the ministries more from a sense of absence or non-availability of the clergy rather than from the consequence of a theologically grounded sense of vocation and ministry in the church (cc. 230/3, 1112). It gives the impression that the laity have a subsidiary status. Some of the offices, positions and functions available to the laity in the code seem to be heavily conditioned (c. 216), carefully qualified (c. 212/3), institutionally circumscribed (c. 230) or hierarchically controlled (c. 223/2).<sup>14</sup>

Lay persons with the necessary knowledge and skill can be entrusted with ecclesiastical offices and roles that do not require the exercise of the power of sacred orders. They are to be given offices and functions not simply by way of concession but by recognizing their dignity and responsibility rooted in their baptism. Pope John Paul II directs the Bishops to entrust to lay persons offices and roles when necessity and expediency in the church require it, but always in conformity to their specific lay vocation.<sup>15</sup> This directive needs to be seriously considered and implemented. The charisms and competence, the expertise and experiences of lay persons are to be duly recognized. The clerics are to acknowledge and promote the mission which the laity, each for his or her part, exercise in the church and in the world (c. 275/2).

The 1983 Code, which translates into juridical language the ecclesiology and theology of Vatican II, contains noteworthy provisions for the active and meaningful participation of the laity in the governing, teaching and sanctifying office of the church. These provisions, in spite of the limitations that have been mentioned above need to be seriously considered and duly implemented.

Bangalore

A. Anandarayar

14. *Ibid.*, pp. 434–435.

15. *Christifideles Laici*, No. 23.

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Printed at Theocentre Press, Kottayam - 686 041  
and Published at Jeevadhara Office, Kottayam - 41  
by J. Constantine Manalel

Registered No. KL / KTM / 172

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